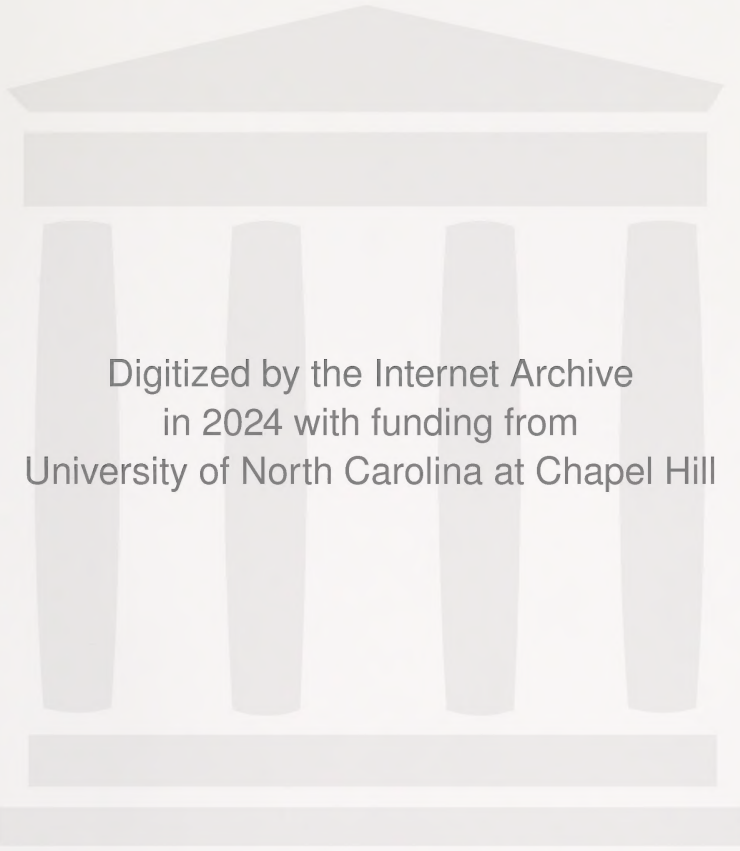


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VENEZUELAN CUSTOMS LAW

Enacted by the National Congress
at its regular session of 1918

Translated from the Official Edition
by C. N. CLARK.

Former American Vice Consul at La Guaira,
some time Assistant in the American Legation
at Caracas, *Comendador* of the Order of the
Liberator, etc., etc.

Price	{	Bs.	10.00
		\$	2.00
		£	-8/-



CARACAS
Lit. y Tip. del Comercio
1926



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1918

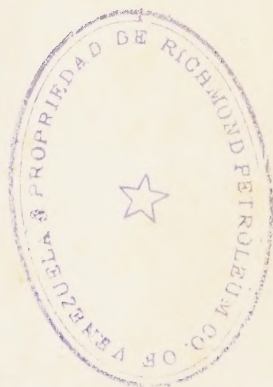
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VERIFICATION OF CLAIMS

IN THE MATTER OF THE ESTATE OF

JOHN W. HARRIS, DECEASED

AND OF THE ESTATE OF

JOHN W. HARRIS, DECEASED

AND OF THE ESTATE OF

12

CHARTERED BY THE UNIVERSITY OF NORTH CAROLINA

TO GENERAL JUAN VICENTE GOMEZ,

PRESIDENT OF THE UNITED STATES OF VENEZUELA,

Under whose liberal administration and wise encouragement the foreign commerce and home industry of the nation have attained a development never before realized in the history of the Republic, this translation of the Customs Law is respectfully dedicated.

C. NORMAN CLARK.

EXPLANATORY NOTE

In converting into English the terms for Spanish Offices and titles the translator has preferred to render them in the closest English equivalent, having due regard to the nature of the office or occupation, rather than make use of Spanish terms; for example:

Ministerio de Hacienda is translated Ministry of Finance,

Administrador (de Aduana) is translated Collector of Customs,

Interventor (de Aduana) is translated Comptroller,

Caleta (de Aduana) is translated Wharfage handling,

Cabotaje is translated Coastwise traffic,

Juzgado de Hacienda is translated Tribunal of Finance,

Patente de Navegación is translated Navigation License.

1 bolivar	=	\$ 0.193
1 "	=	£ 0.0.91½
\$ 1.00	=	Bs. 5.20
£ 1.0.0.	=	Bs. 25.25
1 kilogram	=	2.2 lbs.

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THE CONGRESS
OF THE
UNITED STATES OF VENEZUELA

Decrees the following

CUSTOMS LAW

TITLE I

Preliminary Provisions

ART. 1. The commerce of the Republic with the exterior may only be effected by the ports, places and routes established therefor and by means of the respective Custom-Houses.

ART. 2. Coastwise commerce through the national ports may only be made with national products or foreign products which have been legally despatched by the Custom-Houses, and the regulations established by the present law for such commerce shall be applied to all ports included within the customs jurisdiction.

ART. 3. ⁽¹⁾ The Customs offices are divided as follows:

(1) By Decree of June 29th., 1918, and its amendments the Custom-Houses and qualified Customs-Guard Offices of the republic have been classified as follows:

Class I. La Guaira, Maracaibo, Puerto Cabello, Ciudad Bolívar and Carúpano.

I. Custom-Houses qualified for all operations.

II. Custom-Houses qualified only for importation for their own consumption, for exportation and for coastwise traffic.

III. Custom-Houses qualified for commerce of import and export with adjacent nations.

IV. Customs-Guard Offices qualified for export and coastwise traffic.

V. Customs-Guard Offices and Stations for Coastwise traffic qualified only for coastwise commerce.

ART. 4. The Federal Executive, in accordance with the requirements of administration, shall establish the Custom-Houses and Customs-Guard offices which it deems desirable and shall determine the jurisdiction and qualifications which pertain to them respectively for the service.

ART. 5. When the necessities of national defense, of public order or of the sanitary service require it, the Federal Executive may close to commercial and passenger traffic the ports, places and routes which it deems necessary, dictating reglamentary measures in accordance with the circumstances of the case.

ART. 6. From the moment when vessels or vehicles proceeding from abroad enter the national waters or the national territory, such vessels and vehicles with their cargoes, as well as their captains or conductors, become subject to the provisions of this law.

Class II. La Vela, Puerto Sucre, Pampatar, Cristóbal Colón, Guanta and Amuay.

Class III. Maracaibo, Ciudad Bolívar, San Antonio del Táchira, El Amparo and Santa Rosa de Amanadona.

Class IV. Tucacas, Higuerote, Río Caribe, Barrancas, San Félix and Encontrados.

ART. 7. The Custom-Houses will liquidate the duties which it pertains to them to settle for the department of Customs or of other departments of revenue, and their Collectors shall exercise care and supervision that the duties liquidated are paid by the contributors or debtors in the receiving offices for national funds in accordance with the legal requirements.

ART. 8. Merchandise despatched by the Custom-Houses and destined for national consumption shall not be subject to verification and the formalities of fiscal inspection except in the cases especially provided by law or regulations; but the Federal Executive, in safeguarding the interests of the Treasury, may establish, either with permanent or temporary character, interior zones of customs supervision to verify the lawful origin of foreign merchandise which circulates within such zone.

ART. 9. The Custom-Houses are directly subordinate to the Ministry of Finance and the qualified Customs-Guard Offices and Stations for Coastwise traffic are subordinate to the Custom-Houses within whose jurisdiction they are located.

ART. 10. The Custom-Houses shall be managed by a Collector (Administrator), a Comptroller (Interventor), a Bookkeeper and such other employes as may be necessary.

Whenever the necessities of the service require it, a Custom-House may have two Comptrollers, who shall be designated first and second Comptrollers and both shall have the same duties, but it shall devolve preferably upon the first Comptroller to represent the Treasury in matters arising from the operation of the respective Custom-House.

ART. 11. The Collectors of Customs, the Comptrollers, Bookkeepers, Chiefs of Customs-Guards and of Wharf-handling, Warehousemen, Liquidators, Interpreters, Archivists, Officers of qualified Customs-Guard Offices for exports, Officials of Coastwise traffic and Commanders of Coast-guard vessels shall be appointed directly by the Federal Executive through the Ministry of Finance, and other employes whose designation is not attributed to the Federal Executive shall be nominated by the respective Collectors to the Minister of Finance who, if he approve the designation of the Collector, shall authorize that official to appoint the employe proposed.

Officials, Caretakers and other employes of the Customs-Guard watches shall be appointed and removed at will by the Collectors of Customs, giving immediate report thereof to the Minister of Finance.

ART. 12. Whenever the Collectors of Customs request of the Minister of Finance the removal of a subordinate employe they should state the reason which leads them to request such removal.

ART. 13. Whenever an employe is involved in fraud, insubordination or disgraceful conduct, the Collector of Customs shall immediately, and by the quickest means, communicate the fact to the Minister of Finance; and when the circumstances make it necessary, he shall suspend the offending employe provisionally, arranging for the discharge of his duties as he may deem convenient.

ART. 14. Employes of the Customs may not be merchants, agents of vessels or consignees of merchandise; nor shall they exercise any office or commercial agency in any form whatsoever.

ART. 15. The office hours for business in the Custom-Houses, Customs-Guards and Coastwise Of-

fices shall be from seven o'clock until eleven in the forenoon and from one o'clock until five in the afternoon, for all working days.

ART. 16. The hours for loading and unloading in the ports of the republic shall be from seven o'clock in the morning until half past four o'clock in the afternoon, without interruption, for all working days.

ART. 17. Collectors of Customs are authorized to permit the clearance, unloading and loading of vessels outside of the hours of the day indicated in the foregoing Articles, in hours during the night and on holidays, provided that they consider the requests justified which captains or agents address to them for that purpose. In order to carry on such operations during daylight hours the written request of the captain or agent will be sufficient, and for operations, permitted to be carried on during the night, the following rules shall be observed:

1. The captain or agent shall give satisfactory guaranty to the Collector of Customs to answer for violation of the laws or regulations committed during the operations and also for whatsoever damage the merchandise may sustain during transport, loading, unloading and warehousing by reason of the special circumstances in which the operations are carried on during the night.

The Collector of Customs shall fix the amount of such guaranty, taking into account the duration of the operations, the importance of the cargo and the import duties caused by it when it is a matter of importation.

2. The captain or agent shall state in his petition the approximate number of hours which the work will require, in order that the Collector may take the necessary measures of supervision in advance; there

shall also be set forth in the petition the approximate number of packages which are to be loaded or unloaded.

3. The captain or agent shall undertake, in the petition which he presents to the Collector, to limit himself strictly to the instructions dictated by the Custom-House for supervision of the operations.

ART. 18. Only steamships shall be permitted to work during the night time, but other vessels may do so in case of *force majeure* which makes unloading necessary in order to save the vessel or its cargo.

ART. 19. Collectors of Customs shall formulate the regulations which shall govern in the respective Custom-Houses for operations carried on during the night time in authorized cases; such regulation shall be submitted for consideration by the Ministry of Finance.

ART. 20. Except as provided in Paragraph 1 of this Article, when authorization is requested for official despatch or for operations of loading or unloading outside of the hours indicated by Articles 15 and 16, the petitioners shall compensate the employes who participate in the overtime work as follows:

For vessels engaged in coastwise commerce they shall pay thirty bolivars for each hour of overtime.

For vessels engaged in foreign commerce they shall pay fifty bolivars for each hour of overtime work.

PARAGRAPH 1. When the authorized overtime takes place on holidays or within the hours from seven o'clock at night to six o'clock in the morning of working days, compensation shall be charged at double the rate specified in this Article.

PARAGRAPH 2. In the payment provided for authorized overtime work of loading or discharging, there is included the necessary work of official despatch.

PARAGRAPH 3. The authorized overtime charges shall be collected for full hours and the amount shall be distributed among the employes entitled to it in proportion to their respective salaries.

ART. 21. Collectors of Customs shall keep a book to record the permits granted for conducting operations outside of regular hours.

In this book shall be entered: the date of authorization; the name and nationality of the vessel; the number of hours authorized with note of the commencement and termination of the authorized period and the amount which was collected for the authorized overtime.

ART. 22. Employes whom the Customs service commissions to supervise the operations conducted during working hours by vessels in non-qualified ports, by virtue of authorization legally granted, shall receive compensation to be paid by the persons interested of fifteen bolivars daily where the monthly salary of the employe does not exceed two hundred and fifty bolivars, and of thirty bolivars daily when the monthly salary of the employe exceeds the said sum.

This remuneration shall be collected for entire days from the day on which the employe leaves to fulfill his commission, until the day of his return to the port of the Custom-House.

ART. 23. The holidays are the Sundays, the first of January, Thursday and Friday of Holy Week and those declared as national holidays.

TITLE II

Service of Custom-Houses and Customs Guards

CHAPTER I

Duties of the Officials

ART. 24. The duties of Collectors of Customs are :

1. To submit for the approval of the Ministry of Finance the distribution which should be made among the employes, of the effective work of the Custom-House and Customs Guard, and of the services which they should discharge according to law in the jurisdiction of the Custom-House.

2. To organize, distribute and direct the work of his office, the warehouse service and that of the Customs Guard, and to dictate the internal rules for these services. Every regulation shall be sent to the Ministry of Finance for its approval.

3. To conduct the correspondence with superior offices and with other employes, corporations and private persons.

4. To prepare promptly and with exactness all reports which they are required to submit in accordance with law.

5. To discharge the duties which Captains of Ports formerly exercised and to enforce exact com-

pliance with the legal provisions which govern operations relative to foreign and coastwise commerce.

6. To fulfil and to enforce exact and faithful fulfilment by the Customs Guards of their jurisdiction, collectively and individually, of all duties which the law and regulations ascribe to them and the instructions and orders of the Ministry of Finance.

7. To give instructions and orders to the Chiefs of Customs Guards concerning organization of the service within the jurisdiction of the Custom-House.

8. To alternate in duties the personnel of the Customs Guard, so that the principal employes shall not remain more than two months in the same place.

9. To keep the following books, with the co-operation of subordinate employes:

I. A register of the dates of assumption of duties of the employes of the Customs and Customs Guard services whom the Federal Executive appoints.

II. A register of the personnel. In this book shall be kept a record of all employes of the Custom-House and Customs Guard, indicating the date when each employe assumed his position and any other data called for by the forms which the Ministry of Finance may furnish.

III. An Inventory record. In this book shall be recorded the general inventory of all realty and personalty belonging to the Custom-House, indicating the respective values and the alterations and changes which occur.

IV. A book of Passenger Arrivals. In this book shall be recorded the names of all passengers who enter through the port, with note of their place of origin, the vessel in which they arrive and the other data which may be necessary for statistical records, in ac-

cordance with the respective provisions concerning this service.

V. A book of Passenger Departures. In this book shall be recorded the names of passengers leaving through the port, with note of their destination, the vessel in which they sailed and other data which may be necessary for statistical record, in accordance with the provisions concerning this service.

VI. A register of Liquidation Sheets.. In this book shall be recorded the statements of liquidation issued by the Custom-House, a special account being opened for each vessel and with specification of the number of the Liquidation Sheet, the date of the liquidation, name of the importer, date of cancellation of the Sheet and the notes which may be needed.

The Liquidation Sheets for other Offices which may be related to the Custom-Houses shall be recorded in special books in accordance with the respective regulations.

VII. A register of Current Accounts. In this book shall be entered for each importer an account of the liquidations made for his account or for account of the importers whom he represents, with specification of the following data: name of the importer, number of the liquidation sheet, date of liquidation, name of the vessel, "Debit" of the account (to note the amount of duties liquidated), "Credit" of the account (to note the amount collected), date of payment of the liquidation and the amount of the permanent bond which the person in whose name the account is kept may have given.

VIII. A daily record of Collection Vouchers. In this book shall be entered the total of duties corresponding to the Vouchers of collections received during

the day, specified according to the classes of production.

10. To communicate daily to the Ministry of Finance, by telegraph, the amount of the vouchers of collections received at the office during the day, with note of the branches of production, liquidation during the day, amount to be collected and approximate amount to be liquidated.

11. To communicate immediately by telegraph to the Ministry of Finance advice of the steamships which enter the port or which sail from it, giving the names of the passengers and stating whether the ships have arrived or sailed in ballast or with cargo, and in the latter case reporting the amount of packages unloaded or loaded.

12. To remit on the first of each month a report to the Ministry of Finance stating the vouchers of collections received in the past month; which report shall be taken from the daily record of collection vouchers.

13. To send punctually to the Ministry of Finance the statistical data of the operations of the Custom-House, in accordance with the forms and instructions furnished by the Ministry.

14. To examine and visit the coast within the jurisdiction of the Custom-House, within thirty days after the date on which they assume possession of their offices.

15. To inspect the personnel of the Customs Guard of the principal port whenever they deem it desirable and at least once in each month.

16. To examine the merchandise of import, export and coastwise traffic, in conformity with the provisions of this law.

17. To authenticate with their signatures the certificates of release for payment of duties and taxes, in conformity with the evidence thereof which the receiving office of national funds places at the foot of the respective Liquidation sheet.

18. To carry out the legal provisions concerning the objections which the Chamber of Examinations may make concerning the Custom-House.

19. To place at the service of the Inspectors of Custom-Houses or of special commissioners whom the Federal Executive may appoint, the books and documents pertaining to the various services of the Custom-House and to give them the information which they may request concerning matters of an official nature.

20. To exercise care that the accounting is done with exactness and without delay and in accordance with the legal provisions which govern this service.

21. To authenticate with their signatures the entries which are made in the Journal and to watch that the vouchers are in accordance with law.

22. To liquidate and close the account at the end of each six months and to forward it without fail to the Chamber of Examination within forty days following the 30th. of June and the 31st. of December of each year.

23. To submit to the Ministry of Finance on the 31st. of December of each year a report respecting the operation of the Custom-House in the year just ended and which, without prejudice to other reports, shall cover the following matters:

The amount of duties liquidated, collected, exonerated and annulled during the year for each receiving branch.

The total value of merchandise imported, stated by countries of origin.

The total value of products and merchandise exported, stating countries of destination.

A summary of the coastwise entry and despatch of products and merchandise, specifying weights and values.

The movement of foreign passenger traffic.

The movement of domestic passenger traffic.

The observations suggested by experience concerning the application of the provisions of the Customs Laws.

Observations concerning the law of Tariff Duties on imports and the desirability of amending specifications and provisions of that law respecting whose interpretation doubt may exist.

The condition of the buildings and other property of the Custom-House and the need which there may be for provision in this respect.

Causes for confiscations effected.

For the purposes of this section Collectors of Customs should keep a book to note on proper occasions the data for the observations hereinabove specified.

24. To exercise care that all employes under their direction fulfil the duties of their positions, setting forth as briefly as possible for the Ministry of Finance the impediments in this respect which interfere with the proper conduct of the service.

25. To prepare fortnightly a report showing the salaries earned by the employes of the Custom-House and Customs Guard, in conformity with the Budget law; to collect the amount of this liquidation from the proper disbursing office and to effect the resulting

distribution upon the respective vouchers, which shall be forwarded to the Ministry of Finance.

26. As Chiefs of the Custom-Houses to supervise all operations done in the office and its dependencies and to watch that strict compliance is given to all the provisions of law.

ART. 25. The duties of Comptrollers are:

1. To receive from the Collectors of Customs the documents and papers which are required by law and the regulations for stating liquidation of duties which originate in favor of the national treasury by reason of foreign and coastwise commerce or from whatsoever other departments related to the Custom-Houses.

2. To have immediate charge of the checking of manifests and invoices presented by the persons interested, stamping under their signature the notice "Compared and found Correct", or such observation as may be required.

3. To examine personally, together with another competent employe and in the manner established by this law, the merchandise which is imported through the Custom-House, to assure themselves that the contents of each package are in accordance as respects description and amount with the declarations of the respective manifest, and to impose the legal penalties on importers, if occasion exist therefor.

4. To indicate the class and fix the weight of the merchandise examined, in conformity with the law.

5. To examine the products and merchandise destined for export; and those for coastwise traffic, when there may not be a special employe therefor.

6. To advance for liquidation the manifests examined and to direct that liquidation be made, under their immediate charge, in conformity with the legal provisions, of all duties due to the Customs or which are attributed to it by special provisions relating to Custom-Houses, authenticating with their signatures the liquidation statements.

7. To represent and maintain the rights of the Treasury in the cases of confiscation and in other cases originating from the operation of the Custom-House in which the national Treasury may be interested, in case no attorney should be appointed; and to discharge such other duties as may be assigned to them by law as National Fiscal Attorneys of the Treasury.

8. To inform the Ministry of Finance at the end of each month concerning the course of these matters and the condition in respect of their resources and appeals. This monthly report should be made even though it may be only to state that there has been no case of confiscation.

9. To note the proceedings of inspection on each manifest as fast as these are disposed of.

10. To keep the book of proceedings of inspection, taking note of all the data required by Article 174.

11. To supervise especially the cancellation of revenue stamps and the use of legal paper for customs documents and to exercise care that the interests of the revenue are not defrauded in this respect.

ART. 26. The duties of the Bookkeepers are:

1. To conduct the accounting with exactness, order and clarity, in conformity with the regulations and provisions established for the purpose.

2. To make up the file of vouchers of entries.
3. To formulate the reports, statements and other extracts and transfers of accounts which the Custom-Houses should send to other offices.

4. To sign the entries in the Day Book.

ART. 27. The duties of Warehousekeepers are:

1. To receive imported cargo, verify the checking of marks, countermarks and numbers of packages and to order their storage and arrangement in accordance with the regulations for this service.

2. To keep a book of entry and outgo of imported packages in which shall be entered the name and nationality of the vessel and date of arrival, the numbers, marks and countermarks of the packages, their class and the dates of entry and outgo at the warehouse.

3. To keep a book to make note of the packages that have been short landed.

4. To keep a book to make note of packages landed in excess.

5. To keep a book to make note of the bonded samples and of their forwarding.

6. To assist the Comptroller in the examination of imported cargo, with joint and several responsibility for the exactness with which such proceeding is effected.

7. To make delivery of merchandise upon a receipt which the consignees or persons duly authorized by them shall execute in a book especially prepared for that purpose. In Custom-Houses where there is more than one storeroom a book shall be kept for each one.

8. To inspect products and merchandise for export; and those of coastwise traffic when there is no special employe therefor.

9. To keep a book for making a record of the cargo which is exported abroad in which shall be specified: the name and nationality of the vessel, the date of sailing, number of the manifest, name of exporter, place of destination, quantity of packages with the contents, weight and value.

The partial weights and values shall be totalled by vessels and at the end of each six months there shall be entered a summary in the same book, by months, of the total weight and value of exported articles, a copy of which shall be sent to the Ministry of Finance.

10. To take custody of the merchandise with complete security and to exercise care to avoid damage thereto and confusion at the time of delivery.

SPECIAL PARAGRAPH. Warehousekeepers are responsible for any shortage that may be noted in the number of packages which may have been received in the stores, and also for the damage or injury which, the effects under their charge may have suffered by reason of their carelessness or negligence, and they shall not permit the withdrawal of any packages or effects from the warehouse without the express written order of the Collector of Customs.

ART. 28. The duties of Liquidators are:

1. To effect, in accordance with the provisions of law, the liquidation of duties which originate in the Custom-Houses from any of the departments which may be attached to them.

2. To sign the Liquidation sheets which they prepare.

3. To discharge such other office work relative to the service of liquidation as the regulations may assign to them.

ART. 29. The duties of Interpreters are:

1. To attend the Collector of Customs or his representative at the visits of arrival of vessels which come from abroad, and also at the visits of search or such other visit or duty on board as the Collector may assign to them.

2. To translate Custom-House documents which may come in a foreign language and any other correspondence of an official character.

3. To render service in any other matters of official nature.

ART. 30. The duties of officials of Coastwise traffic are:

1. To examine, together with the documents, the incoming or outgoing coastwise cargoes, reporting to the Collector of Customs such irregularities as they may observe in the inspection of the cargoes and in the related documents.

2. To note at the foot of the manifests the respective entries of inspection.

3. To prepare the records of entry and outgo of coastwise traffic with the documents and matters which the law requires, and to deliver them duly inventoried to the File Clerk at the end of each half-month.

4. To keep up to date the books of coastwise entries and sailings.

ART. 31. The duties of File Clerks are:

1. To make up the files of imports and exports, with the documents required by law, dividing them,

if need be, into several books for more convenient handling.

2. To examine the files of exports sent in by the qualified Customs Guard Offices and those of coastwise traffic forwarded by the Customs Guards and Stations for Coastwise traffic, to verify that they have been prepared with all the details required by law.

3. To arrange by months, in chronological order by offices and subjects, the official communications and telegrams which are received, noting on the title heading of each file the contents thereof.

4. To collect the Official Gazettes, Reports of the Minister of Finance and other publications received for the library, endorsing them immediately with the appropriate number in the catalogue which they will keep for the purpose.

5. To preserve, conveniently arranged and catalogued, the collection of office samples, which shall consist of the merchandise samples whose classification has been referred to the Ministry of Finance, and of those which the Ministry remits.

6. To keep a detailed inventory of all the records which constitute the archives of the Custom-House, as well as of the copying-books of correspondence, liquidations and other matters which may have been closed.

7. To inform the Collector of Customs at once of such informalities as they may note in the matter of cancellation of revenue stamps and sealed paper in the documents which they receive.

8. To preserve under lock and key all the files and documents confided to their care.

ART. 32. Pertaining to the service of Customs Guards, in addition to the immediate supervision of traffic and the movement of merchandise within the Customs jurisdiction, are those duties which are legally assigned to them for the despatch of coastwise or export traffic.

ART. 33. The Customs Guard service is subject directly to the Collectors of Customs, who shall organize it with the equipment of employes which is assigned for that service at the respective Custom-House.

ART. 34. The duties of Chiefs of Customs Guard are:

1. To fulfil and secure fulfilment by the officials, watchmen, coxswains and boatmen of all duties which the law and regulations require of them and of the instructions and orders which they receive from the respective Collectors of Customs in matters of the service.

2. To personally seal the hatches and all other entrances to the holds and other places of the vessel in which there may be effects subject to the payment of duties, whenever the Collector of Customs considers it desirable to take this measure, and to remove said seals personally. The seal for doing this work shall be kept under the control of the Collector of Customs.

3. To make note, on placing said seals, of all objects subject to the payment of duties which may be on the deck of the vessel, and to make proper checking on breaking said seals, giving note of any differences which may exist to the Collector of Customs.

4. To transmit daily to the Collector of Customs a separate report of the unloading of each vessel coming

from abroad, specifying in such report the marks, countermarks and numbers of the packages.

5. To inform the Collector of Customs daily, in writing, of new matters which occur in the Customs Guard or the Customs Guard Stations dependent on him, and to forward to him every morning a report of the vessels arrived and of those sailed on the previous day, with a statement of their nationality and of the circumstance of having arrived or sailed with cargo or in ballast.

6. To immediately advise the Collector of Customs of all faults on the part of officials, watchmen, coxswains and boatmen so that said officer may dictate the necessary measures.

7. To keep themselves, or with the assistance of subordinate employes of the Customs Guard, the following books:

I. A register of the unloading of vessels. In this book shall be entered the packages landed, with note of the marks, countermarks, numbers, class of packages, their total, name and nationality of the vessel and date of its arrival.

II. A register of arrival of vessels. In this book shall be noted the ships arriving in the port, with the date of their arrival, class of the vessel, nationality and name, name of the captain, port of origin, time spent on the voyage from the last port touched at, number of the crew, registered tonnage and specification if it arrived with cargo or in ballast.

III. A register of the sailings of vessels. In this book shall be noted the ships which sail from the port with the date of sailing, class of vessel, nationality and name, name of the captain, port of destination, number of the crew, registered tonnage and specification if it sailed with cargo or in ballast.

IV. A register of Search visits. In this book shall be carefully recorded any matter of interest noted during the visit, signed by the employes who made the same.

V. A register of daily service. In this book shall be entered the distribution which is made daily of the employes of the Customs Guard, stating the names of the employes and the service to which each one has been assigned.

VI. A register of personnel and of the returns of the effective in the Customs Guard. In this book shall be recorded all the employes of the Customs Guard and the increases and decreases which occur in the personnel, indicating the corresponding dates.

8. To visit at least once in every three months the outlying Customs Guard Offices of the jurisdiction, meanwhile such employe of the Custom-House remaining temporarily in charge as the Collector of Customs may appoint, with the approval of the Ministry of Finance.

ART. 35. The duties of officials of the Customs Guard are:

1. To obey strictly the instructions which they may receive from their respective immediate superiors and to fulfil the other duties incumbent upon them as employes of the revenue guard.

2. To direct the service of watchmen, coxswains and boatmen in accordance with the instructions received from their immediate superior.

3. To instruct watchmen, coxswains and boatmen concerning all the legal provisions and regulations concerning their service.

ART. 36. The duties of Watchmen of the Customs Guard are:

1. Not to leave the place where they have been placed on guard before being relieved.

2. To report to their immediate superior any matter of interest that occurs during their service.

3. To give strict observance to the orders respecting the service which they receive from their superiors.

ART. 37. Duties common to all employes of the Customs Guard are:

1. To note all that occurs in the extent of coast which each one is called upon to supervise, so as to prevent any violation of the provisions of law.

2. To render mutual assistance to insure the success of the operations which are undertaken for the capture of contraband.

3. To exercise care that all which is unloaded from vessels shall be taken to the respective Customs office.

4. Not to permit the loading or unloading of any vessel, nor the loading or unloading of any article without the written permit of the Chief of the respective Customs office.

5. To seize all foreign effects which have not been introduced with the legal formalities and to apprehend the persons in whose possession these are found.

ART. 38. No employe of the Customs Guard shall be assigned to the discharge of other duties than those prescribed by the fiscal laws.

CHAPTER II

Customs Guard Offices qualified for Exportation

ART. 39. The service of export, coastwise traffic and Customs Guard in the ports where Customs Guard Offices qualified for export operate shall be attached to the Custom House of the respective jurisdiction.

ART. 40. The functions of Customs Guard Offices qualified for export shall be limited to the ordinary service of coastwise traffic and Customs Guard, and they shall only permit operations of export, and are subject strictly to the provisions of Title V.

ART. 41. The special duties of officials of these Customs Guards are:

1. To keep a book for recording exports; one for the movement of ships arriving; one for the movement of ships sailing; one for the entry of coastwise traffic and one for the sailing of coastwise traffic. Said books shall be sent at the end of each half-year to the Custom-House of the jurisdiction so that it may send them to the Chamber of Examination, together with the corresponding records.

2. To remit to the Custom-House of the jurisdiction, so that it may forward them to the Ministry of Finance, statistical sheets showing the monthly movement of export, the entrance and departure of coastwise traffic and the entry and sailing of ships,

in accordance with the forms and instructions which the Ministry of Finance may formulate for the service.

3. To remit as promptly as possible to the Custom-House of the jurisdiction the respective files of exports.

4. To communicate telegraphically to the Collector of Customs of the jurisdiction the arrival of vessels to take cargo for export, as well as their sailing and the quantity and kind of cargo taken.

ART. 42. Employes of Customs Guard Offices qualified for export are absolutely forbidden to participate in the preparation of the documents which interested parties should present for Custom-House despatch.

CHAPTER III

Of Wharfage Handling (Caleta)

ART. 43. The service of Wharfage Handling includes carriage and such other operations as may be necessary in connection with the despatch of merchandise and products during the period in which they may be under the immediate jurisdiction of the Custom-House.

For merchandise and products of importation, or those arriving by coastwise traffic, said period shall be from the landing of the effects until they are placed by the Custom-House at the disposition of the parties interested; and for merchandise and products of exportation, or which go out by coastwise traffic, from the time when they are received by the Custom-House until their loading is effected.

ART. 44. The service of wharfage handling in the ports of the Republic shall be conducted by the

employes of that order under the immediate supervision and charge of the Chief of Customs of the port.

SPECIAL PARAGRAPH. The Federal Executive shall organize and regulate the service of wharfage handling of each port and shall fix the respective tariff therefor. In cases in which the service is not administered directly by the national government, it will be subject to the reglamentary provisions which the Executive may dictate.

TITLE III

Of the Inspectorship of Custom-Houses

ART. 45. The service of inspection of Custom-Houses covers the visits which must be made by the Inspectors of that department to the offices of customs administration to discharge the duties imposed upon them by law.

ART. 46. Inspectors of Custom-Houses, in addition to their other legal functions, have the following duties:

1. On proceeding to visit a Custom-House they shall assume charge of its administration during the time of their visit and they shall advise the Ministry of Finance and the General Auditors office of the Ministry of the fact; on termination of the visit, they shall render a detailed report to the Ministry of Finance which shall cover all the services of the Custom-House.

2. To make examination and ascertain if the Customs Guards are complying with all the provisions of this law relating to them.

3. To examine the local conditions of the ports, the condition of the Custom-House buildings and the difficulties or facilities respecting the receipt and despatch of cargoes, advising the Minister of Finance of any improvements which should be made.

4. To keep a journal for noting all their operations and that which they observe in each port, stating

separately the matter relative to the visit at each office, and to send the Ministry of Finance the respective reports together with a copy of the pages of the journal relating to each report.

5. To examine the Inventory book of the Custom-House and ascertain if all the properties of the Custom-House are entered therein and if the values assigned to them are in accord with their real value.

6. To visit The Tribunals of Finance and examine the records and proceedings which are pending therein.

ART. 47. The Inspectors of Custom-Houses shall communicate to the Ministry of Finance, without awaiting the final result of each visit, the serious faults which they observe, with specification of the circumstances which may have given rise to these, and also any data or observation whose importance requires the immediate attention of the Ministry.

ART. 48. The provisions of official character which the Inspectors of Custom-Houses may dictate for compliance with the law, on their visits, shall be respected by the employes to whom they are communicated, and in case the Collector of Customs should object to complying with them, he shall communicate the fact to the Minister of Finance for his decision in the matter.

TITLE IV

Of Importation

ART. 49. The commerce of importation consists in introducing for the consumption of the republic, with the formalities prescribed by this law, of foreign effects not excluded by the Tariff Law of Import Duties.

CHAPTER I

Of Formalities to be observed in Foreign Ports

SECTION I

Formalities which Captains of Vessels must observe

ART. 50. Every vessel which sails from a foreign port for Venezuela with cargo or in ballast, must come provided with its navigation license and the documents prescribed by this law and be cleared for destination at ports qualified for importation.

ART. 51. The captains of vessels which receive, in foreign ports, cargo for Venezuela must present in triplicate to the Consul of Venezuela or his substitute, in each port from which he is cleared, the Manifest of the cargo which he receives there for each Venezuelan port. The cargo destined for each Venezuelan port must be set forth on a separate Manifest. The Manifests shall be written in Spanish and signed by

the captain, who shall in an orderly and clear manner, make the following declaration under oath:

1. The class, nationality, tonnage and name of the vessel and the name of the captain.
2. The name of the Venezuelan port of destination.
3. The names of the shippers of the merchandise and those of their respective consignees in the ports of Venezuela.
4. The numbers of the Bills of Lading of the cargo specified in the Manifest.
5. The marks and numbering of the packages and their class.
6. The quantity, weight and contents of the packages according to the Bills of Lading.
7. The sum total of packages included in the Manifest, expressed in figures and in words.

ART. 52. Together with the manifest the captain must present, in duplicate, the bills of lading signed by him of the cargo listed in the manifest.

ART. 53. The captain of every vessel which sails for Venezuela in ballast must state this circumstance in writing to the Consular Agent, under oath, specifying the material of which the ballast consists.

ART. 54. The captain of every vessel which is cleared in colonial West Indies or in the Guianas destined for Venezuela, either with cargo or in ballast, must declare under oath in writing before the Consular Agent, the effects which he may have on board for stores of the vessel and the food supplies for the mess, stating in letters the weight of said stores and supplies in kilograms.

SPECIAL PARAGRAPH. No articles may be included among the stores of the vessel which are foreign to this purpose and the supplies for the mess shall not exceed the supply necessary for the consumption of the vessel during a round voyage and a stop of one-half the time required therefor.

ART. 55. Only earth, sand, old iron and rough stone shall be deemed ballast for a vessel and none of these materials brought as ballast may be used for commerce in the country.

SECTION II

Formalities which Shippers must observe

ART. 56. Shippers of merchandise in foreign ports which is destined for Venezuela should deliver to the Consul of Venezuela or his substitute an invoice in triplicate, written in the Spanish language, signed and in which the shipper states under oath:

1. The name of the shipper, that of the consignee, that of the place of shipment, the Venezuelan port of destination and the class, nationality and name of the vessel.

2. The mark and numbering of each package, its class, contents, gross weight in kilograms, written in letters and figures, and its value in gold in the port of shipment stated in the unit of money of the respective country.

The quantity of packages, their weights and values, shall be totalled at the foot of the respective columns, stating the totals in figures.

The contents of the package shall be declared designating each merchandise in the same terms in which it is specified in the Tariff Law of Import Duties, or with the tariff classification corresponding

to the merchandise in said law, when the merchandise may not be expressly specified; there may be added to this declaration whatever explanatory note the shipper may deem useful. The use of ditto marks, of *idem* or of abbreviations of whatsoever class will not be accepted in the text of the invoice. Words, ciphers or marks erased or corrected, interlined or amended should be noted at the foot of the writing before the signature of the person presenting the same. Lines may not be left in blank in the text of the invoice.

When merchandise may be shipped which is not included in any of the items of the tariff law of import duties the shippers shall state this clearly in the invoice and shall describe the merchandise as clearly as possible, indicating the material or materials of which it is composed and the use and application of the Merchandise.

Packages of the same class, size, shape, weight and contents may be indicated by the same mark and one single number and be included in a single item. With the exception of this case, two or more packages with the same marks and numbers may not be included in the same invoice. There may also be included in a single item with different numbers various packages with the same contents, although of different weights and shapes, specifying in the text of the same declaration the weight of each package and in the corresponding column the total weight of the lot.

When the same package contains merchandise of various tariff classes the net weight of the merchandise of each class shall be declared and the total weight of the tare. In case of omission of this requirement, the package shall be considered, for the

purposes of appraisement, as consisting entirely of merchandise of the highest tariff class which the package contains.

SECTION III

Formalities which Passengers must observe

ART. 57. Every passenger proceeding from the colonial West Indies and from the Guianas who comes to Venezuela must state in writing, in triplicate, to the respective Consul of the Republic or his subordinate the number of packages of which his baggage is composed, the weight of each package, expressed in letters and the effects subject to the payment of import duties which form a part of his baggage, specifying the effects with their commercial designations, the chief material of which they are composed and the weight.

SECTION IV

Formalities which Consuls must observe

ART. 58. Consular officers of the Republic shall not despatch shipments except with destination for ports qualified for importation, under penalty of being discharged from office.

ART. 59. Consular officers are required to explain without charge to all persons who apply to them, the Customs laws of Venezuela and whatever data may be requested concerning the fiscal legislation; and to show them the necessary forms for preparing shipping documents and to afford them the necessary explanations to enable them to make said documents in proper form. This duty does not relieve shippers from the responsibility which they incur for violation of the same laws.

ART. 60. Consular officers shall number in strict order the invoices which shippers present to them; they shall folio and sign all the pages of the three copies and shall place at the foot thereof the following certification.

"I certify that three copies of this invoice have been presented to me and that it consist of so many (in letters) folios signed by me."

ART. 61. Consular officers shall refrain from certifying and passing upon invoices which are presented to them, in the following cases:

1. When they fail to state the name of the shipper, that of the consignee, that of the place of shipment, that of the Venezuelan port of destination, the class, nationality and name of the vessel, the total or partial amount of packages, their weight, contents and value.

2. When the three copies required by Article 56 are not presented.

3. When there is not exact conformity among the three copies.

4. When there are corrections, erasures or interlineations which have not been noted at the foot, above the signature.

5. When the invoice covers articles whose importation is prohibited.

6. When the person who signs the invoice fails to declare under oath that the data which it contains are true.

7. When the value of the merchandise declared in the invoice is obviously false. For this purpose consular officers will ascertain, by the means available to them, the true value of merchandise covered by invoices and they shall advise the Minister of Finance

of the cases in which they refuse to pass upon the invoice of a shipper by reason of non-conformity in the declaration of value.

ART. 62. When the manifest is presented to the consular officer and it contains all the data required by Article 51, the copies in due form and accompanied by the bills of lading, and when all the shippers named in said document shall have presented their invoices, the consular officer shall place at the foot of each of the copies of the manifest the following certification:

"I certify that three true copies of this manifest have been presented to me and that I have received the invoices and bills of lading set forth therein."

When the manifest presented fails to contain the required data or when the copies are not in accord, the consular officer shall not make the foregoing certification until after the irregularity shall have been corrected.

When the manifest and its copies are in order and the invoices are lacking, the consular officer will notify the captain in order that he may cause these to be presented by the shippers. If this be done and the invoices still be not presented and the captain demand that the ship be despatched, the consular officer shall despatch her, placing at foot of each of the copies of the manifest the following note:

"I certify that three true copies of this manifest have been presented to me and that, at the petition of the captain, I despatch the ship, lacking invoices of the shippers....."

In such case the captain shall be liable to the penalties which this law provides.

The Consul is authorized to certify and pass the invoices which were in default provided that they be presented by the shippers within three days following the day upon which the ship may have sailed.

ART. 63. Consular officers shall place a copy of the manifest in a book provided for that purpose and shall enter in it the value of the merchandise covered by each invoice. To facilitate despatch, captains may deliver to the consular officer a true copy of the manifest.

ART. 64. Consular officers shall distribute the manifests, invoices and bills of lading as follows:

1. They shall deliver to the captain one copy of the manifest and one of each bill of lading.

2. They shall return one copy of his invoice to each shipper.

3. They shall remit, at the hand of the captain, to the Custom-House of the port for which the cargo is destined, another copy of the manifest and a copy of each one of the corresponding invoices, enclosed in a sealed envelope.

4. The third copy of the manifest and of each of the invoices and the second copy of the bills of lading they shall remit by the first mail to the Chamber of Examinations and shall advise the respective Custom-Houses by official letter, of the number of invoices which they send to said Chamber and of the ship to which they relate.

ART. 65. Consular officers shall stamp with the official seal the bills of lading which must be presented with the manifest, as required by Article 52.

ART. 66. The Consul should close and seal the envelope addressed to the Custom-House in the presence of the captain or of the person who represents

him, to whom it shall be delivered upon receipt placed at the foot of the copy of the manifest which is returned to the captain.

ART. 67. Consular officers shall perform the duties prescribed in this section with the utmost exactness, and whenever, after having despatched a vessel, they find that they have failed to enclose in the respective envelopes any of the documents duly presented, they shall remit the same to its destination as soon as possible.

ART. 68. Consular officers in the colonial West Indies or the Guianas, immediately upon the sailing therefrom of any vessel, whatever its burden, destined for Venezuela, without the requirements called for by Section I of this Chapter, shall immediately notify the Minister of Finance thereof and the Custom-House or Custom-Houses within whose jurisdiction she may touch; and they shall also give notice whenever any vessel arrives, proceeding from Venezuela, without having been legally despatched by a qualified Custom-House or a Customs-Guard office qualified for export.

ART. 69. Consular officers in the colonial West Indies or the Guianas, on despatching a vessel, shall advise, by earliest mail, the Custom-House of the port of destination of the vessel of her name and that of her captain, the names of the consignees of the merchandise, the number of packages destined for each one and their value. They are likewise required to give the Ministry of Finance the requisite notice to prevent or discover contraband, both with respect to the vessels which they despatch in conformity with this law and to those which enter the ports in which they reside, coming from Venezuela; also to communicate to the same Ministry the information which they acquire respecting operations

of illegal trade being conducted by vessels of other origin on the coasts and in the qualified ports of the Republic.

ART. 70. At the foot of the statements of baggage referred to in Article 57 the Consular officer will affix the word "Presented", under his seal and signature, without charge therefor, and shall then deliver one copy to the person interested and remit the other two, one to the respective Custom-House and the other to the Chamber of Examination for addition to the record concerning the vessel in which the baggage has been despatched.

ART. 71. If captains or shippers present their documents in a foreign language, alleging ignorance of Spanish, the Consular officer shall collect fifteen bolivars for translation and copy of the document, when the original document does not exceed thirty written lines and fifteen centimes of a bolivar in addition for each line in excess.

In such case he shall place at the foot of the original the following note: "I certify that this (invoice or manifest) consists of..... folios signed by me and has been presented to me for translation", and on each one of the copies of the translation:

"I certify that this is one of the copies of the translation which I have faithfully made (of the invoice N^o....., or of manifest, of the steamer) and consists of.....folios signed by me."

The distribution of the translated documents shall be made in the same form prescribed by Article 64, and the original document shall be included within the closed envelope addressed to the respective Custom-House.

ART. 72. In ports in which the republic may not have consular officers, the documents required by this Chapter shall be presented to the consular agent of a friendly nation, and where there may not be such, or those existing should be unwilling to certify the documents, two merchants shall effect the same, their signatures being authenticated by a public official.

ART. 73. Whenever it may be necessary to make any alteration in consular documents which have been already certified, the consular officer shall place a note at the foot thereof stating in what respect the alteration consists, and shall sign said note.

ART. 74. Consular documents required by this law shall be despatched by Consuls of Venezuela abroad during the ordinary working hours established by the local Custom-House for despatch of business.

ART. 75. Consular officers may not delay the despatch of documents which are presented to them during working hours, provided that such are properly prepared, and are responsible for the damages which they cause to the parties interested by reason of delay.

ART. 76. A Consular officer of Venezuela guilty of the failure to send to the Custom-Houses or to the Chamber of Examination the documents required by this law shall be subject to discharge from office.

ART. 77. The declarations which captains of vessels must present in accordance with Article 53, when these sail in ballast, and the lists of supplies and repair material which they must present in conformity with Article 54, must be examined by the respective Consuls, who, if they are found in due form, shall place at the foot a note that they have been presented, and shall return it to the captain.

SECTION V

Special formalities which must be observed with respect to
Merchandise which has to be transshipped or landed in
transit in an intermediate port

ART. 78. When merchandise is shipped destined for Venezuela, but which must be transshipped or disembarked in transit at some intermediate port to be thence carried to its destination in another vessel, there shall be presented to the consular officer residing in the port of origin the manifest especially relating thereto, the bills of lading of shipment and the invoices, by number and with the formalities required by Articles 51, 52 and 56 of this law, stating in said documents the port in which the transshipment or disembarkation is to be made of the merchandise in transit, and if possible the name of the vessel which will carry it to the port of destination in Venezuela.

ART. 79. The captain of the vessel which takes the merchandise in the port of transshipment or transit shall present to the consular officer in that port the closed and sealed envelopes which the Consul of the port of origin remits to the Collector of Customs at destination and the manifest of the said port of origin, with a note placed at the foot which he shall sign in presence of the Consul, stating therein that the packages shown on the manifest have been received by him from transshipment or in transit to his vessel; and the name, class, nationality and tonnage of the vessel and the port for which the packages are destined.

ART. 80. The consular officer shall certify below on the manifest that the note thereon, in conformity with the preceding Article, has been signed in his

presence; and on the cover of the closed and sealed envelope he shall certify the name of the vessel which has received the merchandise, stating its class, nationality, tonnage and destination and the name of the captain and he shall inform the Chamber of Examination and the respective Custom-House by the first mail.

ART. 81. Transshipment or reembarkation should be made of all the merchandise destined to be transhipped or reembarked.

PARAGRAPH 1. When, for reasonable cause, certain packages fail to be transhipped this circumstance should be stated at the foot of the manifest by certification of the consular officer; and in order to despatch the packages which failed of transshipment or reembarkation to their destination at the earliest opportunity, they should be accompanied by another certification by the consular officer in which is stated the cause which prevented the transshipment or reembarkation of the said packages.

PARAGRAPH 2. Consuls shall notify the respective Custom-Houses, under enclosure which they shall forward by the captain, of the packages which the vessel conveys and of those referred to in the preceding paragraph, specifying in the said notice the manifest of the vessel relating thereto.

CHAPTER II

Of the entry of vessels coming from abroad

ART. 82. Vessels arriving from abroad at any of the ports qualified for importation, when given pratique by the sanitary authorities, shall receive the visit of entry by the Collector of Customs, the Chief of Customs Guard and the employes who are deemed necessary.

When the Collector of Customs cannot attend personally he may be represented by another employe of his office, other than the Chief of the Customs Guard.

ART. 83. Ships coming to anchor between six o'clock in the morning and five o'clock in the afternoon shall be visited by the Health officers immediately upon anchoring and if admitted to pratique they may approach the wharves.

ART. 84. Vessels which may have touched at a national port and whose sanitary condition is not deemed dangerous may be exceptionally exempt from the sanitary visit. In such case these vessels may approach the wharves and await there the Custom-House visit.

ART. 85. Vessels which come to anchor outside of the regular business hours shall be visited by the Custom-House when working time arrives.

ART. 86. Vessels arriving during the forenoon of holidays shall be visited by the Health and Customs authorities in the same manner as on business days, without charge being made for the service.

ART. 87. At the time of the visit of entry the captain of the vessel must present to the Customs authorities the Navigation license and deliver to them, if the vessel brings cargo for the port, the following documents:

1. The certified manifest or manifests.
2. The closed and sealed envelope or envelopes.
3. A copy, stamped by the Consul, of each bill of lading which he may have signed.
4. The list of effects for repair of the vessel and of the mess stores, which he shall make upon the entry of the vessel to the port, should it not arrive

cleared originally from the colonial West Indies or the Guianas; in the latter case he shall deliver the list called for by Article 54.

5. The muster-roll of the crew and the list of things in use by the captain and the crew.

6. The list of passengers, with a statement of their nationality, occupation, category or class of passage, the number of parcels of baggage of each and the port of embarkation.

7. The mail, which shall be delivered to the Custom-House at the order of the Postmaster, entry being made in a special book to be signed by the employe of the Post Office to whom the mail is delivered, of the number of bags and of letters, sealed enclosures and printed matter if such arrive separately, both of official and private nature, and of the vessel which brings them. If the Collector of Customs deem it convenient the mail may be delivered to him, or to an employe of the Post Office authorized to receive it, on board the vessel.

ART. 88. If a vessel comes in ballast, or with cargo not destined for the port at which she arrives, the captain will only be required to deliver the documents specified in paragraphs 4, 5, 6 and 7 of the preceding Article.

ART. 89. On the manifests which the captain delivers the Customs officers shall note the day and hour upon which the visit of entry was made.

ART. 90. On completion of the visit of entry, the Collector of Customs shall direct that the employes whom he considers necessary for the watch on the vessel shall remain on board.

ART. 91. If the vessel does not bring the navigation license or its other papers, or if these do not

arrive duly despatched by the Consul of the port of departure, an ample guard shall be left on board, all communication with the vessel shall be prevented and the Collector of Customs shall give immediate information to the Tribunal of Finance for determination of the matter.

ART. 92. The department of examination and liquidation under charge of the Comptroller shall compare the invoices and other documents contained in the closed envelopes with the manifests and bills of lading which the captain should deliver, and it shall note at the foot of the manifests the correctness or incorrectness which may be found; in the latter case, if the unloading has already commenced, in accordance with the provision of the Special Paragraph of Article 109, the Custom-House shall make the necessary rectifications in the index books which have been delivered to the Customs Guard and the Warehouse-keeper.

ART. 93. When the manifest is lacking which the captain should deliver upon the visit of entry, checking shall be made by the manifest which the Custom-House may have received; should this also not have been received checking shall be made by one which the captain must prepare in the port, this circumstance being noted at the foot of the manifest. A copy of this manifest must be sent to the Chamber of Examination.

In the cases covered by this Article the fine provided by section 2 of Article 261 shall be imposed on the captain.

ART. 94. The captain of any vessel engaged in the traffic of import and export shall not conduct any operation thereof except under a bond given to the national Treasury and satisfactory to the respective

collector of Customs, in a sum not less than ten thousand bolivars, to answer for the penalties which he may incur for violation of the fiscal laws or regulations. Lacking such bond, the captain must deliver the navigation license of the vessel, which shall remain under control of the Custom officers until the vessel shall be despatched.

ART. 95. National or foreign war vessels shall not be subject to the ordinary formalities, but if they bring cargo they are subject to the same rules as those established for merchant vessels.

CHAPTER III

Of Landing of Passengers and despatch of their Baggage

ART. 96. On completion of the visit of entry to vessels coming from abroad, the Collector of Customs shall authorize the immediate landing of the passengers, unless legal ground exists to prevent it.

ART. 97. The baggage shall be landed prior to the cargo and shall be taken directly to the Custom-House for its examination by the inspecting employes.

ART. 98. Custom-Houses shall despatch passengers and their baggage in preference to any other despatch, even upon holidays, without requiring payment for the service in the forenoon hours of such days.

ART. 99. There are considered as baggage: wearing apparel, the bed, the saddle, arms whose importation is permitted, professional implements, books and other personal objects, all having been used and which are evidently for the personal use of the passengers.

ART. 100. Foreign effects unused, brought in baggage, shall be classified in the Customs tariff classes to which they respectively belong, plus a surcharge of 20%.

ART. 101. When the liquidation of import duties for unused effects brought in the baggage of a passenger exceeds five hundred bolivars, the passenger shall be fined fifty per cent. of the amount of the liquidation.

ART. 102. Passengers coming from Europe or the United States of North America who bring in their baggage unused effects shall state the fact to the Custom-House prior to the examination; and the inspecting employes shall proceed to examine the baggage in presence of the passenger, taking note of the kind, weight and tariff class of each article subject to the payment of duty, and in accordance with the result the declaration shall be made which the passenger must present in duplicate, stating the name of the ship by which he may have come and his port of departure.

ART. 103. Passengers coming from the colonial West Indies and the Guianas who bring unused effects in their baggage shall present to the Custom-House a declaration in duplicate prepared on ordinary paper accompanied by the statement required by Article 57, certified by the Consul. In said declaration, by which the examination shall be made, the passenger shall specify the kind and weight of each article not used which he brings in his baggage.

ART. 104. When passengers from the colonial West Indies and the Guianas do not present the statement certified by the Consul to which Article 57 refers, nor has the Custom-House received the same, a declaration shall be prepared according to the re-

sult of the examination, and in such case a fine shall be imposed equal to the amount of the duties shown by the liquidation.

SPECIAL PARAGRAPH. If the statement seen by the Consul be presented and a difference in weight in excess of 5% results, the passenger shall be fined double the amount of the duties resulting from the difference; if packages are lacking a fine shall be imposed of fifty to five hundred bolivars for each package lacking; and if unused effects appear not included within the declaration there shall be imposed as a fine an amount equal to the duties payable on said effects.

ART. 105. Of the two copies of the declaration, the Customs Officers shall retain one to be attached to the file of the vessel and shall remit the other copy to the Chamber of Examination by the first mail, in a closed and sealed envelope, placing under the signature on the back the words "Baggage Declarations".

ART. 106. Custom-Houses shall give, in each case, immediate notice by the first post of the passengers who may have brought new effects in their baggage, specifying the name of the passenger, the date of arrival and port of origin; nationality and name of the vessel and amount of the duties caused.

ART. 107. Employes who, in accordance with law, conduct the examination are entitled to twenty-five per cent. of the amount of duties and fines incurred by passengers arriving from abroad, on account of their baggage.

CHAPTER IV

Of the Unloading of Vessels coming from abroad

SECTION I

Requirements to be fulfilled for Unloading

ART. 108. On completion of the checking indicated by Article 92, the Custom-House shall make from the manifest two or more alphabetical indices of the packages destined for the port, according to the first letter of those which constitute the mark of each one, with a statement of their corresponding numbers and the class of the package, which indices shall be distributed to the Customs Guard and the Warehouse-keeper.

Captains of vessels or their agents, in order to save time, may present the said indices to the Custom-House, which may make use of them after their comparison with the respective manifest, a comparison which may be made at the time of the visit of entry. Any differences which may appear shall be clearly corrected on the indices.

ART. 109. In order to unload, the captains or agents of vessels shall solicit from the Collector of Customs in writing the respective permit within twenty-four hours after having had the visit of entry. The Custom-House shall grant the permission at foot of the petition, fixing conveniently the hour in which the unloading should commence.

SPECIAL PARAGRAPH. Vessels may begin unloading immediately after conclusion of the visit of entry, with the oral permission which the Collector of Customs may grant, or whoever replaces him, provided that there is no legal objection and that the comparison of the indices for checking the unloading of vessels be terminated, although comparison of the invoices with the manifest be not yet finished. If at conclusion of the visit of entry the comparison of the indices be not effected, the Collector shall direct that unloading begin at the termination of this comparison. Oral permission does not relieve the captains or agents of vessels from the obligation to solicit the same in writing.

ART. 110. The Customs Officers shall direct the discharge of vessels according to the capacity of the wharves and the force for the service of Customs Guard and Wharfage Handling, taking account of the order in which vessels have entered the port; but according priority to steamers over sailing vessels.

ART. 111. The cargo of a vessel must be unloaded within the time indispensable therefor and which the Custom Officers shall fix in the permit for discharge, taking into consideration the conditions of service of the port and the class of the cargo.

ART. 112. Whenever the captain of a vessel does not present the navigation license, permit for discharge shall not be granted until after the fine provided by Section 1 of Article 261 shall have been settled, or the omission of the license established as indicated in said Section.

ART. 113. When the manifest be not presented, nor has the Custom-House received it, permit for discharge shall not be granted until after the captain

presents the manifest which he must make in conformity with Article 93.

ART. 114. Preference shall be given in landing to animals and articles subject to decay or damage, provided that some special circumstance does not necessitate other procedure.

ART. 115. On landing of the packages on the wharf the employes on guard shall note on the index the mark and number of each package. In case of unloading by lighterage the employes on guard aboard ship shall send to the employe on shore with each trip, by the respective head lighterman, a memorandum of the packages which the lighter carries. Customs Officers shall provide the employes on guard aboard ship with printed forms for such reports.

ART. 116. Employes on guard aboard ship shall not permit the discharge of any package which is not included in the index, and when it be sought to discharge any such they shall immediately notify the Chief of the Customs Guard, who shall inform the Collector of Customs so that the necessary investigation may be made without loss of time.

ART. 117. Employes on guard aboard ship shall not permit the discharge of broken packages, but they shall be set apart on board and information given to the Chief of the Customs Guard, who shall fasten and seal them in presence of the captain or supercargo of the vessel. Unloading shall be made after the fastening and sealing and under report authorized by the Chief of the Customs Guard.

ART. 118. On disembarkation of broken packages sealed and fastened the proper notation shall be made in the index.

ART. 119. The employe of the Customs Guard shall cause the broken packages, or those which may

be broken during unloading, to be taken to the Custom-House stores with the required precautions.

ART. 120. Employes on guard ashore shall receive the cargo of each lighter in accordance with the report which the employe on guard aboard ship shall send them and shall forward this to the Chief of Customs Guard with note of correctness or of the differences which may have occurred.

ART. 121. From the places of unloading cargoes shall pass to the Custom-House stores, where the Warehousekeeper shall receive them by the index which the Collector shall have delivered to him, noting thereon the mark and number of each package as it enters the warehouse, and entering them in the book provided for the purpose, and he shall forward a daily report to the Collector of the packages of each vessel which have entered the stores.

ART. 122. When packages are sent to the stores with marks and numbers which do not appear on the index, the Warehousekeeper shall make a note thereof, shall place them separately apart and shall at once notify the Collector of Customs.

ART. 123. When packages fastened and sealed are sent to the stores the Warehousekeeper shall place them separately apart and shall notify the Collector of Customs so that he may give corresponding notice to the importer.

ART. 124. When broken packages are sent to the stores without having been fastened and sealed the same formalities shall be followed as specified in the preceding Article, and the Collector of Customs shall cause them to be fastened and sealed in presence of the importer or of his representative.

ART. 125. The cargo destined for a given port must be fully discharged therein, in conformity with the manifest and bills of lading.

ART. 126. Whenever vessels cannot effect discharge with their own crew within the working period during which they remain in port, the captains or agents shall petition the Collector of Customs for the assistance which they may need, who shall supply it from the body of national wharfage handlers or corps of stevedores of the port subject to the order of the Custom-House, which labor the vessels shall pay for in accordance with the respective tariff.

ART. 127. Carriage of merchandise from alongside ship to the warehouses of the Custom-House and the stowage thereof shall be done under the direction of the respective national employes and for account of the parties interested.

ART. 128. At any time that the Customs Officers consider it desirable the hatches and other opening of vessels which give access to places where effects may be found subject to the payment of duties may be closed and sealed.

ART. 129. On termination of the unloading, the Chief of the Customs Guard shall note at foot of the permit and petition for unloading the period within which this shall have been effected, and if more time was employed than that indicated in the permit for the work, special note should be made to that effect. In addition he shall note whether the daily reports of discharge have been forwarded to the Collector of Customs.

ART. 130. The captain of a vessel which, having unloaded in a national port the cargo destined for it, may have to proceed with cargo for other ports shall state, on termination of the unloading, whether or not

he takes cargo for export; if he does not have to take such cargo the vessel should sail from the port within forty-eight hours, counted from the time of termination of the unloading.

ART. 131. The Ministry of Finance may authorize Collectors of Customs, upon petition which, in each case, the parties interested shall make to the Ministry through the respective Custom-House, to permit vessels arriving at a qualified port with cargo exonerable from import duties destined exclusively for enterprises which enjoy this privilege, to proceed to effect their operations of discharge at a non-qualified port within the jurisdiction of the respective Custom-House where the enterprise is located.

ART. 132. The permits referred to in the preceding Article shall not be granted in the following cases:

1. If upon the Health visit the vessel be not admitted to free pratique.

2. If upon the visit of entry all documents shall not have been delivered or if, upon effecting their examination, there should be found legal ground for objection.

3. If the vessel, in addition to exonerable cargo, should carry cargo not exonerable, in which case this shall be disembarked so that the vessel may proceed to disembark the exonerable cargo in the non-qualified port.

ART. 133. The operations which vessels conduct in non-qualified ports shall be deemed to be practiced in qualified ports and therefore shall be governed wholly by the provisions of this law, and in addition by the following special provisions:

1. The vessel shall be dispatched by virtue of a navigation license which the Custom-House shall is-

sue, specifying therein the operations which it may conduct, the port within the jurisdiction for which it is despatched and the employes who go aboard to supervise the operations.

2. The enterprises shall execute a bond satisfactory to the Collector of Customs and in favor of the national Treasury to respond for all damages which the Treasury may sustain from violations of the laws and regulations which may be committed by reason of this concession.

3. The packages which are to be landed shall be deposited in a storehouse which the enterprises shall provide exclusively for this service and whose keys shall remain in the custody of the representative of the Customs throughout the time required for the operations, until the delivery of the merchandise in conformity with the legal provisions.

4. Carriage of passengers shall not be permitted on board of these vessels, excepting only the employes of the Custom-House and those of the enterprises interested who may be required for these operations.

5. The transport, both going and returning, of the employes of the Custom-House designated to attend the operations to be effected, and also their food and lodging for the time during which they have to remain on this duty, shall be at the expense of the enterprises.

6. On conclusion of the operations which the vessel effects in the non-qualified port, she shall return to the port of the Custom-House whence she was despatched, to proceed thence to her destination.

ART. 134. The Ministry of Finance may concede the authority referred to in Article 131 as a permanency, but in such case it shall dictate the regulation

by which the enterprises shall be governed in all their operations, reserving always to the Ministry the right to modify such regulation at its convenience and to suspend the permission granted if the enterprises do not conform to the modifications which should be made.

SECTION II

Of Packages which are disembarked in excess or in diminution

ART. 135. When the entire cargo of a vessel comes despatched for one single qualified port and more packages are disembarked than those entered on the manifest and said packages appear on certified invoices, the fine specified in Section 14 of Article 261 shall be imposed on the captain, and if the packages do not appear on invoices they shall be declared contraband.

ART. 136. When a vessel carries cargo for different national ports, or for national and foreign ports, and disembarks packages in excess of those destined for the port in which she may be, the Custom-House shall grant permission, on petition of the captain or of the agent, for their reembarkation, provided that the package or packages disembarked in excess pertain to the cargo destined for other ports, and it thus appears in the respective manifests. In this case the captain shall incur the fine specified in number 15 of Article 261 and the employes on guard aboard the vessel a fine of ten bolivars for each package disembarked in excess.

SPECIAL PARAGRAPH. If the packages disembarked in excess do not appear on any of the manifests destined for other ports, they shall be declared contraband, excepting when the packages contain merchandise of free importation, in which case the cap-

tain shall be fined an amount equal to 25% of the value of the merchandise, and this shall be despatched as the Ministry of Finance may dictate.

ART. 137. When a vessel fails to disembark one or more packages of those specified on the manifest, the Collector of Customs shall make note of this at the foot of the manifest, stating the marks and numbers and whether or not the fine specified in Section 16 of Article 261 has been imposed on the captain. The captain shall be subject to the fine referred to in the said Article except he declare upon the visit of entry and establish before an authorized judge within three days, that the packages lacking were thrown overboard from necessity or were destroyed by fire.

ART. 138. If the captain declare in writing that the package or packages lacking remained in the port of origin and were not embarked; or that they were disembarked by error in a foreign port; or that they are mixed up with the rest of the cargo, the Collector of Customs shall allow the captain or the agent of the vessel a period of ninety days, counted from the day following that of arrival of the vessel, within which to deliver the packages, and the bond referred to in Article 94 shall provide for payment of the fine specified in Section 16 of Article 261 if within the period above fixed the packages shall not be presented, together with a declaration certified by the respective Consul of Venezuela, in the first case; in the second case, with the certification of the respective Custom-House, viséd by the Consul of Venezuela or, where none such exist, of a friendly nation; and in the third case the presentation of the packages shall be sufficient.

ART. 139. If the captain of the vessel or its agent shall not have given a bond and shall request a

time for delivery of the packages, this shall be granted after first imposing the fine, which shall be returned if the packages be presented within the time fixed.

ART. 140. If the time granted for delivery shall have expired without these having been delivered, the permit for their introduction shall be cancelled and they shall not thereafter be introduced except subject to the ordinary formalities specified in this law.

CHAPTER V

Of the Visit of Search

ART. 141. Upon termination of the unloading of a vessel, or immediately after the visit of entry when the vessel comes in ballast or when, without bringing cargo for the given port, she brings such for other national or foreign ports, there shall be made, upon written request of the captain or agent, the visit of search by the employe or employes whom the Collector may designate; this visit shall consist of a minute inspection of the vessel for the purpose of ascertaining that only the effects or merchandise covered by the respective documents which the captain presented, or by the documents relating to cargo for other ports, remain on board, taking into consideration consumption during the stay in port.

SPECIAL PARAGRAPH. With exception of the ports of Maracaibo, Ciudad Bolívar and Cristóbal Colón, the visit of search shall not be made in ports of the Republic qualified for imports, upon steamships of regular call.

ART. 142. Upon the visit of search the chief employe who effects it shall make an entry on the petition for the visit stating therein the day and hour when the same took place and all differences which resulted

by way of excess or diminution in respect of the packages and effects which should be on board, in conformity with the preceding Article.

ART. 143. If on making the visit of search packages and effects are found in excess of those which the vessel should contain according to the documents, they shall be declared contraband, carried on shore and deposited in the Custom-House stores and the proper legal proceeding begun.

ART. 144. The captain of a vessel which, although bringing no cargo for the port in which it may be, carries such for other national or foreign ports, shall declare, upon conclusion of the visit of search, and lacking this upon termination of the visit of entry, whether or not he is going to take cargo for export, and if he has not to take such the vessel should leave port within forty-eight hours, counted from that in which the respective visit took place; either circumstance shall be recorded by the Custom-House, according to the facts, in the entry which is made in accordance with Article 142, or in the petition for despatch of the vessel.

CHAPTER VI

Of the Manifests and Consular Invoices which Importers must present

SECTION I

Of Manifests

ART. 145. The consignee who is named in the consular invoice is the importer of the merchandise which is shipped abroad destined for Venezuela, and for the purposes of this law he is considered owner of the merchandise.

ART. 146. Commission merchants or representatives of the consignee, in order to act for him before the Custom-House and sign the manifests and other customs documents, must be authorized by a Power-letter addressed to the Collector of Customs by the consignee. The responsibility of the commission merchant does not relieve the consignee.

Collectors of Customs shall keep a book in which they shall record in full a copy of such letters of authorization, and they shall carefully preserve the originals in the files of the office.

The Custom-House shall advise the Ministry of Finance of each Power-letter which is received.

ART. 147. ⁽¹⁾ Within four business days, counted from the hour in which the visit of entry to the respective vessel took place, each one of the importers of merchandise should present to the Custom-House a manifest in duplicate, together with a copy of the certified consular invoice relating to the packages imported and a copy of the respective bill of lading of the merchandise. In the manifest shall be copied exactly that portion of the consular invoice which contains the data referring to the packages. The invoices which importers present must be signed or stamped by them on the back, to distinguish them from those received by the Custom-House from the Consul.

(1) Consignees, in preparing their manifests for the Custom-House, must convert the value of the merchandise, as stated in foreign money in the consular invoice, into bolivars. Conversion must be made at the current rate of exchange in Caracas on the day of arrival of the vessel, in accordance with quotations supplied to the Custom-Houses by the Ministry of Finance. Liquidation of duties will be made, based on the stated value in bolivars.

(Decree of November 19, 1920).

ART. 148. The manifests which importers present may include one or more invoices, provided that the merchandise referred to therein has the same port of origin and comes in the same vessel addressed to the same consignee.

ART. 149. Amendments and corrections made in the manifests must be noted before the date, and this shall be entered on the line next following the last written line of the respective manifest.

ART. 150. When the description of the contents of a package shall be wholly illegible in the consular invoice, both in the Custom-House copy and in that of the importer, the latter, before presenting his manifest, may request the Custom-House in writing that a previous examination be had for the purpose of obtaining the data necessary to redraw his manifest. When these data are found to be legible on the Custom-House copy of the invoice, they shall be taken for the redrawing of the manifest.

ART. 151. The manifests, invoices and bills of lading shall remain in the custody of the Custom-House from the time when they are presented to that office until they are sent to the Chamber of Examination in accordance with the provision of this law.

ART. 152. On presentation of each manifest, the Collector of Customs shall note at the foot thereof, under his signature, the day and hour on which the presentation took place, he shall folio and stamp all the pages and after the comparison specified by Article 154, he shall send the duplicate to the Chamber of Examination in a closed and sealed envelope, by the first post, placing under his signature on the back of the envelope the word "Manifests."

ART. 153. In the Custom-Houses a register shall be kept in which shall be entered in strict numerical

order the manifests relating to each vessel, with note of the numerical order of the manifest, the name of the importer, the day and hour in which the manifest was presented, the total number of packages, total in kilograms and the value.

ART. 154. Custom-Houses shall compare the invoices and bills of lading presented by importers with the copies of these documents which they receive directly from the Consuls and captains and they shall verify the conformity of the manifests of the importers with these documents, noting the result at the foot of each manifest.

SPECIAL PARAGRAPH. When the text of the invoice appears altered in the manifest and the change may be of importance, the manifest shall be returned to the importer so that he may present it in entire agreement with the invoice, and the fine established by Section 2 of Article 263 shall be imposed upon him. If the manifests are not accompanied with the corresponding bills of lading, the manifest shall be considered not to have been presented.

ART. 155. When the certified invoice has been received and the importer shall not present the manifest within the four days prescribed by Article 147, he shall become liable to the fine fixed by Section 1 of Article 263, and if he also fail to present it within the sixty days following, the merchandise shall be treated as abandoned and disposed of in accordance with Article 258.

ART. 156. The consignee who does not accept a consignment of merchandise sent to him from abroad should declare the same in writing to the Custom-House within the period fixed for presentation of the manifest. If, within the period of thirty days after this declaration, no person should present himself to

the Custom-House, authorized by the consignee, and desiring to assume the introduction of the merchandise upon his own responsibility, it shall be considered abandoned and disposed of in accordance with Article 258.

ART. 157. The packages lacking in the discharge of a vessel, and which are delivered within the period indicated in Article 138, shall be despatched under additional manifest which the importers shall present.

SECTION II

Of missing Invoices

ART. 158. When certified invoices are missing and the merchandise is entered on the manifests, the procedure specified in the following Articles shall be followed.

ART. 159. When the importer fails to receive the certified invoice, on written petition from him the Custom-House shall furnish him with a copy of the corresponding duplicate which it may have received in the closed and sealed envelopes, so that he may prepare the manifest.

ART. 160. When the importer presents the certified invoice, with the respective manifest, to the Custom-House, and the corresponding copy of the invoice shall not have been received by the latter, the merchandise shall be despatched in accordance with the manifest presented.

ART. 161. When neither the importer nor the Custom-House receives the certified invoice, the Collector shall request the Chamber of Examination for the respective copy and on receipt thereof he shall furnish a copy to the importer to enable him to prepare the manifest.

ART. 162. In the cases specified in Articles 159 and 161 the importer shall obligate himself in writing to present the copies of the invoices, which he has not presented in season, to the Custom-House, within sixty days counted from the date of arrival of the vessel. If he shall not present the invoice within the said period he shall be liable to the fine fixed by Section 4 of Article 263.

ART. 163. If the Chamber of Examination receive an invoice, although the duplicate be not received by the Custom-House, nor the respective packages be manifested therein or found entered on the manifests which are held by the Custom-House, the consignee shall furnish to the Custom-House a bond for the duties in accordance with such invoice, unless the Custom-House or the Chamber of Examination or either of them shall have received an official advice from the respective Consul in which he states the reason why the packages have not arrived at destination. If within the term of sixty days counted from the arrival of the invoice such official advice shall not be received from the Consul, neither by the Custom-House nor by the Chamber of Examination, the bond given for the payment of duties shall be enforced.

SPECIAL PARAGRAPH. For the purposes of this Article Custom-Houses shall request promptly from the Chamber of Examination copies of the invoices relating to the packages not received, and which invoices Consuls may have sent to the said Chamber in accordance with advices received by the Custom-House from the Consuls, in virtue of the provisions of Section 4 of Article 64.

ART. 164. If neither the importer, the Custom-House nor the Chamber of Examination receive the

certified invoice and it appear from the manifest that the shipper delivered it to the Consul, the merchandise shall remain in the Custom-House for the period of sixty days counted from the time when the manifest should have been presented. If the Custom-House and the importer receive their invoices within this period, the examination shall be proceeded with; and when only one invoice is received, although it be the copy issued by the Chamber of Examination, the merchandise shall be examined by the manifest presented by the importer.

ART. 165. If after the lapse of the sixty days fixed by the foregoing Article, neither the importer, the Custom-House nor the Chamber of Examination shall have received the certified invoice, on petition of the importer and report from the respective Custom-House and the Chamber of Examination the Ministry of Finance may direct that the merchandise be despatched, dictating the necessary measures for safeguarding the fiscal interest. In this case the duties attaching to this merchandise shall be liquidated with a surcharge of ten per cent.

SPECIAL PARAGRAPH. Said petition must be presented within twenty days following the date of expiration of the term of sixty days. If the twenty days have elapsed without the petition having been presented the merchandise shall be considered as abandoned and the procedure indicated by Article 258 shall be followed.

ART. 166. If it appear from the certification of the Consul on the manifest that the shipper did not deliver the corresponding invoice, the merchandise shall be confiscated, sold at public auction and the proceeds paid into the national Treasury, except where the invoice is presented within sixty days fol-

lowing the date of arrival of the vessel and provided that the shipper presented it for certification in the office of the Consul within three days following the date of consular despatch of the vessel. In addition, the fine specified in Section 11 of Article 261 shall be imposed on the captain of the vessel, if the case shall be one specified therein.

CHAPTER VII

Of Examination and Despatch of Merchandise

ART. 167. The examination of merchandise and other products which are introduced from abroad shall be a public act which must be effected in the Custom-Houses by the examining employes, at least two in number, one of whom must always be the Comptroller, and the employes who effect the examination are jointly responsible for any violations of law which are committed in said act.

ART. 168. The Collector and the Comptroller shall conduct the examination in Custom-Houses where there is no Warehousekeeper; the Comptroller and the Warehousekeeper, in Custom-Houses having the latter employe; and a Comptroller and a Warehousekeeper, in Custom-Houses having more than one Comptroller and more than one Warehousekeeper. The provisions of this Article do not exclude the right, in Custom-Houses having more than two examining employes, of having all of these conduct examinations jointly.

ART. 169. The perquisites which result by reason of examination of merchandise shall be distributed equally among the examining employes of the Custom-House.

ART. 170. Examinations shall be conducted in Custom-Houses in the places prepared for that purpose, which shall be called Examining Stores.

SPECIAL PARAGRAPH. Inflammable articles, those subject to decay and packages which, by reason of volume, weight or number or other sufficient reason, it is not convenient or necessary, in the judgment of the Collector of Customs, to carry into the stores, may be examined outside of the examining stores. In such case the Collector shall designate the places of the port in which such effects shall be deposited and examined.

ART. 171. The examination of merchandise specified in a given manifest shall not be proceeded with until all thereof shall have been deposited in the Customs stores.

ART. 172. The Collector of Customs shall give notice, by means of an announcement which shall be posted at the principal entrance of the office, at least twenty-four hours in advance, of the day and hour in which examination of the merchandise arrived by each vessel will be begun. In this notice the name of the vessel, the date of arrival, the name of each importer and the number of the corresponding manifest shall be specified; by this act the importer shall be deemed to be summoned and even though he shall not appear to attend the examination this shall be proceeded with and cannot then be repeated.

ART. 173. Examination of merchandise shall be made in the order in which the manifests are presented, unless the party interested waive his right of precedence or the Collector of Customs is obliged to make exception by reason of the urgent need for examination of packages broken, damaged or subject to decay, in order to avoid the injury consequent upon

delay. Packages damaged or subject to decay may be despatched even though the remainder of those on the manifest shall not have been disembarked.

ART. 174. On every examination and at the conclusion thereof there shall be noted at the foot of the manifest an entry signed by the employees who conducted it, in which shall be stated the day and hour on which it began, the agreement or difference which may have resulted, penalties which may have been incurred, estimate of damage if any existed, hour and date on which it was concluded and such other observations as may be deemed desirable to note for liquidation of duties and examination of the account. When the importer or his representative assists at the act of examination he shall also sign the entry and he may place before his signature such observations as he may consider desirable in that respect. A copy of this proceeding shall be sent to the Chamber of Examination.

ART. 175. The examination includes determination of the weight and verification of the contents of each package. In lots of packages of the same class the examiners may weigh and examine such proportion of them as they deem convenient, though this should always be more than five per cent.; the entire number of packages may be weighed and examined when doubt exists as to the proportion taken, or when the importer or such other person as may be attending the examination so requests.

ART. 176. When examination of the packages relating to a given manifest is begun this should be concluded before proceeding to the examination of another manifest.

ART. 177. Importers who may have given a permanent bond to provide for the payment of duties

attaching to their importations may withdraw their merchandise from the stores in proportion as these shall have been examined.

ART. 178. Sixty days after conclusion of examination of all the merchandise specified in a manifest, without such having been removed from the Custom-House stores, it shall be considered abandoned and the procedure set forth in Article 258 shall be followed.

ART. 179. When in the judgment of the examining employes, the merchandise contained in a package appertains to a tariff class higher than that in which it has been manifested, and the importer does not agree thereto, one expert shall be appointed by the Custom-House and another by the importer to render their opinion in writing in detail as to the nature, peculiarities, common name and tariff class of the merchandise, which each one shall deliver to the Custom-House within three days after their appointment. If the opinion of the experts be not accepted by the Custom-House, or a difference of opinion should exist between them, the Custom-House shall submit the case to the decision of the Ministry of Finance, sending it a sample of the merchandise and the original documents of the experts. The decision which the Ministry may render in these cases shall be final and the importer shall be subject to the penalty fixed by Section 8 of Article 263 in case the Ministry shall confirm the decision of the Custom-House.

ART. 180. When the opinion rendered by the experts shall be in accord with the conclusion of the Custom-House the importer shall incur the penalty fixed in Section 8 of Article 263, and both in this case and in the case preceding the merchandise shall be appraised under the classification in which it was mani-

fested so as not to delay the liquidation and payment of the liquidation sheet, and a bond shall be given for the excess while awaiting the decision of the Ministry or the joint opinion of the experts.

ART. 181. If either of the experts fail to submit his written opinion within the time fixed, a new expert shall be appointed and in case he also shall not render his opinion within the required time the matter shall be submitted to the decision of the Ministry of Finance, which decision shall be final.

ART. 182. When the importer refuses to name an expert, the Custom-House shall submit the case to the final decision of the Ministry of Finance.

ART. 183. When the samples of merchandise to be sent to the Ministry consist of objects of excessive weight, Custom-Houses may remit in preference a minute description thereof accompanied, if necessary, by illustrative drawings. If this be not sufficient to decide the matter the Ministry may direct a technical expert examination or it may request the remittance of the samples.

ART. 184. Samples of value which are taken for consultation shall be returned to the importers. If it shall be necessary to retain them for the sample collections of the offices of the Treasury the Ministry shall direct the acquisition of said samples.

ART. 185. When in course of examination of merchandise it is found to be of a class below that in which it is manifested, or with less weight than that declared, it shall be appraised and liquidated in accordance with the manifest, the importer having recourse to apply to the Ministry of Finance to request that it be appraised and liquidated in accordance with the result of the examination. The Department may

allow or refuse the petition in accordance with its judgment of the circumstances of each case.

ART. 186. When importers desire to avail themselves of the privilege allowed by the foregoing Article they should so state upon the proceeding of examination, and thereupon the examining employes in presence of the Collector of Customs and of two responsible merchants shall note on the record of examination, which all shall sign, this circumstance and the differences which may have existed.

SPECIAL PARAGRAPH. In this case Collectors of Customs may direct, and so enter on the record of examination, that the duties be paid in accordance with the appraisement and weight which resulted from the examination, requiring a bond from the introducers with term up to sixty days for the difference of duty, whose condonement is to be requested from the Ministry of Finance.

ART. 187. When upon an examination merchandise appears which is not specified in the Tariff law of Import Duties, the Collector of Customs shall send a sample of the merchandise to the Ministry of Finance with the respective report, that it may decide as to the denomination and tariff clase to which it belongs, which decision shall be communicated to all the Custom-Houses of the republic to insure uniformity in appraisement. In such case the merchandise shall remain in the Custom-House until the decision of the Ministry and in case the importer shall wish to dispose of it, it shall be delivered to him provided that he furnish a bond for the duties according to the highest class of the tariff law.

ART. 188. Merchandise which may be considered abandoned, in conformity with Articles 155 and 156, before proceeding with the formalities of sale,

shall be first examined by competent employes with the consular invoice which the Custom-House may have received and with the assistance of the Collector of Customs, the due penalties being applied upon such examination. If upon the examination any merchandise should appear of a class higher than that manifested on the invoice, the merchandise improperly manifested shall be confiscated and sold at public auction and from the proceeds of sale the amount of import duties due to the Treasury shall be deducted and the remainder shall be adjudged to the examining employes.

ART. 189. When damaged merchandise is encountered upon examination, the importers may request an estimate of the damage with respect thereto. Upon such request at the examination, the examining employes shall ascertain if such damage exists, and if such is found to be the case they shall fix the depreciation suffered by the merchandise, if it should be less than ten per cent.

ART. 190. It is understood by damage, as set forth in the preceding Article, the depreciation which merchandise may suffer accidentally during transportation, from the moment of embarkation until the act of examination.

ART. 191. When, upon request for an estimate of damage, the examiners conclude that none such exists, or when they are of opinion that such does exist but they are unable to agree with the importers as to the depreciation suffered by the merchandise, it shall be appraised by experts, one to be designated by the Custom-House and another by the importer, associated with a third whom the two designated shall agree upon. In case the two experts designated cannot agree upon a third to be appointed

by them, he shall be designated by the Judge of Finance. The experts shall render their opinion in writing to the Custom-House and the opinion of the majority shall be decisive.

ART. 192. When the estimate of damage exceeds ten per cent. the Custom-House shall direct the sale of the merchandise, and in such case the import duties to be collected should bear relation to the duties originally payable in proportion as the value realized from sale of the damaged merchandise is to the valuation of the same if it were in good condition. The amount of the latter valuation shall consist of the value of the merchandise as entered on the consular invoice, plus a surcharge of twenty per cent. and the amount of the corresponding import duties.

ART. 193. No diminution of duties by reason of damage shall be conceded upon food products, pharmaceutical preparations and alcoholic beverages, whatever may be their condition. If the food products or pharmaceutical preparations are not in good condition the Collector of Customs shall give immediate notice to the Health officer, so that he may examine them and determine whether or not they are proper for consumption; in the former case they shall be duly entered, and in the latter the introducer shall proceed at once to destroy them in presence of the Health officer and of an employe to be appointed by the Custom-House.

ART. 194. When merchandise must be held in the Customs stores for want of a certified invoice, the effects subject to decay or packages which, from damage or breakage, may be liable to suffer from delay, shall be immediately examined upon written petition of the interested parties and by a manifest which shall be prepared upon the examination or

which the merchant shall draw up from the respective commercial invoice if he has received such. The effects or packages shall be delivered to their owners provided that they shall have paid the corresponding import duties and furnished a bond to the satisfaction of the Collector for an amount equivalent to the maximum penalty which would be incurred on account of the packages delivered in case the invoices should not be received.

ART. 195. No correction or alteration whatsoever may be made in the text of manifests. In these documents there shall be a special column in which to note observations relative to the examination.

ART. 196. After conclusion of the examination of merchandise it shall remain under control of the Custom-House until despatched with the legal formalities to the order of the importers.

ART. 197. The container or packing of merchandise shall be considered, for the purpose of liquidation of import duties, as of the same tariff class as that of the contents, except when merchandise comes in trunks, bags, furniture and other objects specified in the tariff law of import duties in a higher class than that of the merchandise, in which case these shall be appraised and liquidated separately in accordance with their tariff class and weight.

ART. 198. When merchandise which is ordinarily imported in a wooden or metal container arrives open, or in bale or pasteboard, it shall be appraised with a surcharge of twenty per cent. above the duties attaching to the package; and when that which comes ordinarily in cloth wrapping with oil-paper and hoops or cord fastening is imported in bales without these conditions the surcharge shall be ten per cent.

ART. 199. When a package is manifested with merchandise pertaining to distinct tariff classes it shall be appraised in the several classes to which it appertains, with fifteen per cent. of surcharge, and for the purpose of liquidation of the weight of the packing, this shall be distributed in proportion to the weights of the various classes of merchandise.

ART. 200. Collectors of Customs may accept a permanent bond from importers who may offer to furnish it, for a specified amount, for the purpose of receiving their merchandise prior to payment of the corresponding duties, provided that it is executed by public document by two responsible merchants of the place in which the Custom-House is located or of the capital of the republic, which merchants shall be jointly and severally obligated with the party interested.

ART. 201. The importer shall deliver to the Custom-House with the instrument of bond a plain copy thereof which the Collector of Customs shall attest and remit to the Ministry of Finance.

ART. 202. No other duties can be covered by the permanent bond than those attaching to the merchandise imported by the person on whose behalf the bond has been given, whether manifested by himself personally or by his legal representative.

ART. 203. Merchandise shall not be despatched on account of the permanent bond except to the extent that this suffices to guarantee the duty.

ART. 204. When the obligors desire to retire the permanent bond they shall notify the Collector of Customs to that effect, who shall consider it as cancelled as soon as the duties due upon the merchandise withdrawn under the security of the bond shall have been satisfied, and he shall then endorse on the docu-

ment a note of release by the national Treasury in this respect, and shall return it to the persons interested.

ART. 205. Whenever the Collector of Customs deems it desirable in the interest of the Treasury, he may require from importers a renewal of their respective permanent bonds with new bondsmen.

ART. 206. Importers may surrender their merchandise to the Treasury for the amount of the corresponding import duties. This surrender should be made at the time of examination or within the period allowed by Article 220 for acceptance of the liquidation sheet; but it is not allowable in cases in which the merchandise may have incurred a penalty or when, for any circumstance, it cannot be offered at public sale.

CHAPTER VIII

Of Liquidation

ART. 207. Liquidation of import duties shall be made according to the tariff law of import duties and that of the other charges pertaining to Custom-Houses and in accordance with the provisions of this law and of the special laws governing Custom-Houses.

ART. 208. Import duties on packages of merchandise which vessels may have omitted to disembark shall be liquidated according to the denomination and weight appearing on the Consular invoice and shall be reported in the respective receiving offices of national funds as if the packages had been received.

SPECIAL PARAGRAPH. When for any reason the tariff class of merchandise omitted to be disembarked

cannot be specified, it shall be liquidated in the highest class of the tariff law of import duties.

ART. 209. Packages omitted to be disembarked which shall be presented within the period allowed to the captain in accordance with Article 138 shall be examined in accordance with the provisions of this law by means of an additional manifest which the importer shall present and liquidation shall be directed with respect to the duties which may exceed those already collected, in accordance with Article 208.

ART. 210. Duties on packages thrown overboard from necessity or destroyed by fire may be cancelled by the Minister of Finance, on petition of the consignee and provided that the requirements of Article 137 have been complied with. Likewise the Minister of Finance may cancel the duties corresponding to packages not disembarked, when, in his judgment, the failure to disembark was justified, in such case the fine which may have been incurred by the captain is also cancelled.

ART. 211. When upon examination merchandise appears whose weight is greater than that manifested the duties shall be liquidated by the weight of examination; and when such appears whose weight is less than that manifested it shall be liquidated by the weight manifested, in accordance with Article 185.

ART. 212. When a package contains merchandise of various tariff classes it shall be liquidated by the class highest charged which the package contains, unless the merchandise is declared in the form specified in Article 56, in which case Article 199 shall be followed.

ART. 213. On conclusion of the examination of merchandise specified in a manifest, liquidation of the duties shall be effected according to the notes

entered in the column of observations and in the process of examination, and the corresponding liquidation sheet be made up. This sheet shall carry the same number as that of the corresponding manifest.

ART. 214. The liquidation shall be made by tariff groups in the order established in the import tariff, with the specific and ad valorem surcharges which relate to each class; the total sum of these items is that which is designated as "Tariff Duties".

SPECIAL PARAGRAPH. If the merchandise comes in baggage it shall be surcharged the amount of the liquidation of the tariff classes plus twenty per cent., as prescribed by Article 100, and the duties thus resulting are those which are designated "Tariff Duties."

ART. 215. When the amount corresponding to "Tariff Duties", according to the foregoing Article, is determined there shall be liquidated thereafter the other charges which must be liquidated on the basis of the "Tariff Duties", in accordance with the law.

ART. 216. Merchandise which comes in transit over national routes shall be liquidated, for the purposes of the bond which the importers must give to withdraw the merchandise, as if it came declared for consumption within the country, and following this liquidation shall be made that of the charges which it should pay for whatsoever purpose, and the warehousing, in accordance with Article 328.

ART. 217. The charges which arise in Custom-Houses, and which may not be included within the two preceding Articles shall be liquidated on separate sheets, in accordance with the laws and regulations applicable thereto.

ART. 218. Within the non-extendable period of ten days, counted from the date and hour on which

the examination of the merchandise specified in a manifest is concluded, the liquidation sheet of duties shall be made in quadruplicate, which the Comptroller of the Custom-House shall certify with his signature. The four copies shall be thus distributed: the original and the duplicate, with the note signed by the Collector directing payment in the receiving office of national funds, shall be delivered to the interested party upon a receipt in which shall be stated the day and hour upon which he received it; the triplicate shall be preserved in the Custom-House to be added to the respective file, and the quadruplicate or a press copy of the sheet shall be sent to the Chamber of Examination.

ART. 219. If after the lapse of the ten days fixed by the foregoing Article the importer shall not have received the sheet relating to the liquidation of duties attaching to his merchandise, he shall apply directly to the Custom-House therefor, for the purpose of its cancellation.

ART. 220. Within three days counted from the date and hour on which the importer received the liquidation sheet he must return it to the Custom-House if he shall observe any irregularity, whether in his favor or against him, stating on the sheet in what respect the irregularity exists. Likewise he should return the sheet to the Custom-House within the same period in case of surrender of the merchandise to the Treasury, as specified in Article 206, stating this also at the foot of the sheet.

SPECIAL PARAGRAPH. A statement of these circumstances shall be given to the Chamber of Examination by the first post.

ART. 221. When the interested party does not return the liquidation sheet to the Custom-House

within the three days fixed, it shall be considered accepted in its entirety.

ART. 222. The receipts which interested parties give upon receiving the liquidation sheet shall remain in the control of the Custom-House and shall be added to the files of the respective vessel.

ART. 223. When all the manifests of the cargo of a vessel are liquidated, the general liquidation of the cargo shall be made which shall be attached to the file of the vessel. This liquidation shall be made in the form of a statement and shall contain the following data: number of the sheet, firm for whose account it is issued, number of packages disembarked and number of those omitted to be disembarked, weight of the merchandise, its value and the duties corresponding to each sheet and the general total of packages, kilograms, values and duties.

ART. 224. The Federal Executive is authorized to make a concession of fifty centimes of a bolivar per kilogram on import duties attaching to merchandise which is imported through Custom-Houses of the republic in transit destined for other national ports. In such case it shall designate the Custom-Houses and ports which shall enjoy this concession and shall dictate the reglamentary measures which may be necessary.

CHAPTER IX

Of Collection

ART. 225. Payment of the imposts which arise in Custom-Houses of the republic must be made by the contributor in the receiving offices for national funds in the respective ports, after presentation by the payer of the sheet of liquidated duties for his account.

ART. 226. Duties shall be paid in cash in current legal money within twenty-four hours following that in which the correctness of the liquidation of the related duties is communicated by the importer, or is assumed as accepted.

ART. 227. The receiving office of national funds shall note at the foot of the two copies, original and duplicate, of the liquidation sheet presented to it by the payer, the certificate of having received the amount thereof.

ART. 228. On receiving the proof referred to in the preceding Article, the payer shall return the two copies of the sheet to the Custom-House and that office shall enter on the duplicate copy a certificate of release.

ART. 229. The importer must withdraw the merchandise from the Custom-House within one day after receipt of the corresponding certificate of release.

ART. 230. If the importer shall not pay the duties within the term of twenty-four hours prescribed by Article 226, the merchandise shall be subject to the ordinary regulation specified in Article 178, and in case the merchandise shall have been withdrawn under the terms of Article 177 the obligors on the permanent bond shall be notified for the purpose of making it effective in case they fail to satisfy the duties.

ART. 231. Bondsmen who pay in the receiving offices of national funds amounts owed by the principal debtor are subrogated in all rights, actions and privileges which the Customs may have against the principal debtor.

ART. 232. Both the Treasury and importers may reciprocally reclaim reimbursement on account of

errors arising from liquidations and appraisements, within one year from the date in which these were effected.

ART. 233. For all delay in payment interest shall be charged at the rate of one per cent. monthly.

ART. 234. Bonds accepted by the Collectors of Customs shall be subject to their exclusive charge and they shall adopt the precautions which they deem necessary in safeguard thereof and of the fiscal interests.

CHAPTER X

Of Exoneration of Import Duties

ART. 235. There are exempt from payment of Import Duties:

1. Articles introduced for the use and consumption of the President of the Republic.

2. The effects which the government may introduce for the service of administration.

3. The effects of personal use which diplomatic agents of the republic abroad bring with them on their return to the country.

4. Baggage and effects for the use and consumption of diplomatic agents accredited to Venezuela, provided that diplomatic agents of Venezuela enjoy equal privileges in their respective countries.

5. Effects which, by virtue of special laws, are exempt from payment of import duties.

6. Effects given this privilege by the Federal Executive by virtue of express authorization of law.

ART. 236. For the exoneration referred to in Section 3 of the preceding Article, the Minister of Foreign Relations, on receipt of the specific list of the

effects introduced and of the documents relative to their examination and liquidation which the interested party presents to him, shall authorize the Minister of Finance in each case to issue the corresponding order of exoneration.

ART. 237. For the exoneration referred to in Section 4 of Article 235 the following rules shall be observed:

1. If the baggage and effects come with the diplomatic agent, he shall present to the respective Collector of Customs, with his passport, a list in writing and signed in which is set forth the number of packages and their marks and numbers, upon which they will be delivered to him without examination.

2. If the articles do not come with the diplomatic agent, he shall request the order for exoneration through the Minister of Foreign Relations, for which purpose he shall send him a copy of the manifest presented to the Custom-House and of the respective liquidation sheet, certified by the Collector of Customs of the port through which the importation is made.

ART. 238. Custom-Houses shall issue to diplomatic representatives without charge the certified copies of manifests and liquidation sheets referred to in the preceding Article.

ART. 239. In the cases of exoneration specified in Section 5 of Article 235, interested parties shall petition the Federal Executive therefor, through the respective Ministry, accompanying the petition with the respective certified copies of the importation manifest, of the proceeding of examination and of the liquidation sheet; and presenting also a general statement of the effects, specified by their commercial terms and the Custom House classifications under which they have been declared, indicating the marks

and numbers of the packages. If from the examination of these documents it appears that the party interested has the right to the requested privilege, the proper Department shall so advise the Ministry of Finance, with a note of the data relative to the importation and accompanying it with a copy of the general statement of the effects presented by the interested party. On compliance with these formalities the Ministry of Finance shall issue the corresponding order of exoneration.

ART. 240. Effects exonerable of Customs duties should be introduced with the same formalities established for importations for commercial purposes, are subject to the like requirements and penalties and also must come on special invoices covering only exonerable effects; if they do not come in this form all effects contained in the invoice shall remain subject to payment of the resulting duties.

ART. 241. At foot of the manifest presented by the importer it shall be noted that the effects contained therein are exonerable from duties, indicating under which of the cases specified in Article 235 the exoneration falls.

ART. 242. Collectors of Customs shall not deliver exonerable effects except upon the corresponding order for exoneration which the Ministry of Finance must furnish them in writing, or under a bond given with the approval of the same Ministry by the interested parties for the amount of the duties, in order to secure payment thereof if, within the period granted by the Collector, which shall not be more than ninety days, they fail to deliver the order for exoneration to the Custom-House.

ART. 243. Effects which have been exonerated may not be alienated and violations of this provision

shall be considered cases of contraband and shall be punished with the penalties provided therefor.

SPECIAL PARAGRAPH. The Federal Executive, through the respective Department, may grant special permits for alienation of such effects in specific cases, making provision for the liquidation and collection of the corresponding duties.

ART. 244. In the discretion of the Federal Executive and in accordance with such regulation as it shall dictate for the purpose, exemption of import duties may be granted for effects destined for religious worship and for public works and improvements. In the former case the petitions of the interested parties should be reported on favorably by the chief authority of the religion in the country and in the second case by the respective President of the state, Governor of the Federal District or of the respective Federal Territory, as the case may be. The petitions must be addressed to the Federal Executive through the Ministry of Interior Relations.

CHAPTER XI

Of the importation of Samples

ART. 245. Samples which are imported to facilitate commercial operations, in small pieces or parts which obviously cannot be offered for sale, shall be imported free, provided that they fulfill the conditions required by the Tariff law of import duties.

ART. 246. When the samples constitute articles of value and are intended to be reexported, the interested party, on delivering the respective manifests, shall present to the Custom-House in triplicate a descriptive statement in which shall be specified concerning each article its commercial name, its selling price,

the material of which it is composed, the dimensions and such other detail as may serve to distinguish it accurately from other articles of like class, name or kind. The Custom-House shall cause these samples to be examined, appraising them in the tariff class to which they belong and delivering them to the party interested upon a bond for the amount of the duties which result from the liquidation, interest for delay and the duties on the packing.

ART. 247. Of the three copies of the descriptive statement of samples referred to in the preceding Article, the Custom-House shall return one to the party interested with the notations which result from the examination, and of the other two copies with the same notations, one shall be attached to the respective file of the vessel and the Custom-House shall retain the other together with a certified copy of the examined manifest of importation.

ART. 248. Samples subject to the payment of duties shall be reexportable within one year counted from the date of the examination and in order to effect reexportation the interested party shall present the corresponding manifest, the articles presented shall be compared with the descriptive statement which was retained by the Custom-House and the bond which the party interested gave at the time of the importation shall be cancelled if the samples and their packings are reshipped complete; or this shall be effected in part in case only a part of the samples is reshipped. After the lapse of one year without reshipment of the samples and their packing, the respective bonds shall be enforced.

ART. 249. Samples may also be reexported through any other Custom-House of the republic, but only in case the manifest of coastwise shipment with

which these have been forwarded to the Custom-House through which reexport is to be made, is found in entire conformity with the samples presented by the party interested and with the copy which he must present of the descriptive statement required by Article 246. In such case the Collector shall certify at foot of the manifest and at foot of the copy of the descriptive statement the nationality and name of the vessel in which reexport is made, the port of destination and the date of shipment, and after making record thereof, he shall return said documents to the party interested in order that he may forward them to the Collector of the Custom-House through which the samples were imported, in order that they may serve as vouchers for the cancellation of the respective bond.

SPECIAL PARAGRAPH. The bond shall be enforced if the period fixed for reexport shall have expired and the two documents above indicated shall not have been delivered to the management of the proper Custom-House.

ART. 250. All samples referred to in this Chapter may be imported both under consular invoice and in the baggage of travelling agents.

ART. 251. If the containers in which samples are imported shall have been used, the duties upon them shall be liquidated with a rebate proportioned to the damage sustained by use.

ART. 252. The Federal Executive, in safeguarding the interest of the Treasury shall dictate the measures which it deems necessary respecting articles imported as samples and destined for reexportation.

CHAPTER XII

Of Public Sales of Merchandise

ART. 253. Whenever importers surrender merchandise in payment of duties, or when such is held to have been abandoned, it shall be sold at public auction.

ART. 254. Sales shall be held at the Custom-House in presence of the Collector and shall be presided over by the national Fiscal Judge.

ART. 255. When it may be necessary to sell merchandise the Collector of Customs shall invite attention to the sale eight days in advance by posters fixed at the principal entrance of the office, at the most public places of the locality and by notices in the official or other newspaper. When the matter relates to merchandise of no value, or nearly so, the notices need be affixed only at the principal entrance of the office.

ART. 256. Bids shall not be received at the sale which do not cover the amount of the duties and the expenses of sale; and if bids be not obtained under such conditions, the merchandise shall be offered at a second sale, in which case bids shall be free and the merchandise awarded to the highest bidder.

SPECIAL PARAGRAPH. These sales shall be made with an interval of five days between them and shall be advertised to the public in the manner prescribed by Article 255.

ART. 257. On payment in cash of the amount for which the best bid has been made at the sale of merchandise surrendered to the Treasury for the amount of the corresponding duties, it shall be delivered to the buyer, and after deducting from the said amount the expenses of sale the remainder shall be paid in to the national Treasury.

ART. 258. Whenever merchandise remains in the Custom-House which, without express release by the owners, must be deemed abandoned by them, in accordance with Articles 155, 156, Special Paragraph of Article 165 and Article 178, it shall be publicly advertised fifteen days in advance and in the manner specified in Article 255, that it will be sold if the owners do not reclaim it. On expiration of the fifteen days without such claim the merchandise shall be sold with the formalities and conditions of Articles 255 and 256. If within said period and up to the very moment of sale of the merchandise the owner or his attorney claim it, the sale shall be suspended if the claimant promises to remove the merchandise from the Custom-House stores within the time required therefor, paying or giving a bond satisfactory to the Custom-House for all that, in any respect, is properly due upon said merchandise.

ART. 259. If after deducting from the proceeds of sale the duties, fines and all expenses which, in any manner, are due upon the merchandise so sold as set forth in the preceding Article, there remain any balance it shall be paid into the national Treasury; but if within six months following any person proves himself authentically to have been the owner of the merchandise so sold, the Ministry of Finance shall authorize the return of the said balance. For the purpose of this return the Custom-House shall advertise

in the form prescribed for advertisements of sales the surplus balance of the sale, stating the origin of the merchandise sold, its generic name, marks and numbers of the packages, its weight, the name of the vessel which carried it and the date of the sale.

ART. 260. Custom-Houses shall prepare in each case of sale the liquidation sheet of duties which they shall forward to the national Fiscal Judge together with a detailed report of the expenses which have been incurred which shall afford the basis, for said official, for the sale; and upon effecting sale they shall also prepare the corresponding sheet, at the expense of the buyer, which shall also be sent to the national Fiscal Judge so that it may be noted in the receiving office of national funds prior to the delivery of the merchandise.

CHAPTER XIII

Penal Provisions

SECTION I

Penalties to Captains of Vessels

ART. 261. Captains of Vessels are subject to the following penalties:

1. When they fail to present the navigation license they shall pay a fine of five hundred to two thousand five hundred bolivars, except when they prove that the lack of the license arises from shipwreck, fire or enemy violence.

2. When they fail to present the certified manifest, and the Custom-House shall not have received it, they shall pay from one thousand to ten thousand bolivars, and when the Custom-House shall have received it, they shall pay from one hundred to five hundred bolivars.

3. When they fail to present the certified enclosures which they may have received from the Consuls of originating ports, they shall pay from five hundred to two thousand bolivars.

4. When they bring merchandise to order and it so appears on the manifest and in the bills of lading they shall pay from five hundred to two thousand bolivars with a surcharge of twenty-five per cent. over the import duties due upon the merchandise.

5. When bills of lading of shipments corresponding to the invoices presented by shippers to the Consul are lacking, they shall pay twenty-five bolivars for each copy of a bill of lading which is missing.

6. When they fail to present the vessel's muster roll or any of the lists specified in Sections 4 and 5 of Article 87, they shall pay fifty bolivars.

7. When the vessel comes from the colonial West Indies or the Guianas and they fail to present the lists specified in Article 54 they shall pay from two hundred to one thousand bolivars.

8. When they fail to present the list of passengers they shall pay from fifty to two hundred and fifty bolivars, the Custom-House being then obliged to prepare it with the means at its disposal.

9. When they fail to present a certificate that the vessel comes in ballast, and of the material of which it consists, they shall pay from fifty to two hundred and fifty bolivars.

10. When the manifest presented does not conform to that received by the Custom-House in respect of the number of packages they shall pay for each item of difference twenty-five bolivars; and when the inaccuracy is of another kind they shall pay from fifty to two hundred and fifty bolivars, without pre-

judice in either case to the other penalties which may have been incurred. If even though the manifests be in agreement they fail to contain any of the data required by Article 51, they shall pay from fifty to two hundred and fifty bolivars, according to the importance of the omission.

11. When it appears on the manifest that, at the demand of the captain, the Consul despatched the vessel lacking certified invoices they shall pay twenty-five per cent, of the import duties due upon the, merchandise, whether the bills of lading are signed or not.

12. When the seals placed upon bulkheads, hatches or other places of the vessel are found broken or opened they shall pay from five hundred to five thousand bolivars.

13. When they fail to unload within the time fixed for the operation they shall pay fifty bolivars for each day of excess.

14. When in the case specified in Article 135 packages are disembarked in excess and the packages appear on the invoices, they shall pay a fine equal to fifty per cent. of the import duties due upon the merchandise; if the merchandise was duty-free the fine shall be twenty-five bolivars for each package.

15. When packages are landed in excess, as specified in Article 136, they shall pay twenty-five bolivars for each package.

16. When they fail to deliver at the proper time one or more packages of those specified on the manifest they shall pay as a fine the equivalent of the import duties corresponding to said packages, and if the amount of the duties cannot be definitely determined because the nature of the merchandise is not well specified in the consular invoice, it shall be con-

sidered as belonging to the highest class of the tariff law of import duties.

17. When they unload or transship ballast without the permission of the Custom-House they shall pay from one hundred to five hundred bolivars.

18. When without reasonable cause they do not sail from the port within the time fixed by Articles 130, 144 and 431 they shall pay four hundred bolivars for the first day and one hundred bolivars for each succeeding day during which they prolong their stay in port.

19. When during the stay of the vessel in port, they allow the sale of articles of trade to persons who come on board they shall pay a fine of fifty to one thousand bolivars.

ART. 262. The vessel and all its rigging are additionally responsible for the fines and pecuniary penalties imposed upon captains.

SECTION II

Penalties to Importers

ART. 263. Importers of merchandise are subject to the following penalties:

1. When they fail to present the manifest within the time indicated in Article 147, the invoice having been received by the importer or the Custom-House, they shall pay twenty-five bolivars for the first day of delay and five bolivars for each succeeding day.

2. When, upon checking of the manifest by the Custom-House, the text of the invoice appears altered, they shall pay from twenty-five to two hundred and fifty bolivars.

3. When packages appear on the consular invoice which are not upon the manifest and which may

not have been disembarked, they shall pay twenty-five bolivars for each one.

4. When they fail to present the certified invoice within the time allowed by Article 162 they shall pay twenty-five bolivars.

5. When there is disagreement between the copies of the invoices, whether in the number of packages, in their value, in the weight or in the designation and specification of the merchandise, they shall pay twenty-five bolivars for each violation.

6. When the invoices do not contain the data required by Article 56, or when any of such data are inexact or incomplete, they shall pay from twenty-five to two hundred and fifty bolivars for each violation.

7. When the weight which appears upon the examination exceeds by more than 3% the weight manifested, they shall pay twice over the duties due to the difference between the weight manifested and that shown upon the examination.

8. When upon the examination merchandise is found of a higher tariff class than that manifested, or in greater proportion than manifested, the merchandise shall be subject to confiscation and the consignee shall pay the corresponding import duties to the national treasury.

9. When among the merchandise which a package contains, some is found which is not manifested and of a tariff class lower than that of the goods manifested, a fine shall be imposed of ten to one hundred bolivars; if it be found to be of a higher tariff class, the fine specified in Section 8 shall be imposed and the entire contents of the package shall be appraised and liquidated in the higher class.

10. When upon examination merchandise is found to be of the tariff class as manifested but res-

pecting which a different specification, should be made, a fine shall be imposed of ten to one hundred bolivars.

11. When, in the declaration of the merchandise, specifications are omitted which are necessary to distinguish it from similar merchandise or of like material, appraised in other classes, and which omission might afford grounds for appraising the merchandise in a class below that to which it belongs, a fine shall be imposed of 25% of the import duties which it should pay.

12. When differences of weight in excess of that manifested by 3% appear in more than two lots of merchandise corresponding to the same consular invoice, there shall be imposed, in addition to the corresponding fines, a surcharge of 25% on all of them.

13. When upon examination of the merchandise contained in a single consular invoice there are found more than two kinds of merchandise of tariff classes higher than those manifested, there shall be imposed, in addition to the penalty established by Section 8, a fine equivalent to 25% of the import duties on the merchandise.

14. When, in the case specified in Article 219, the importer fails to apply to the Custom-House for the liquidation sheet he shall pay from twenty-five to two hundred and fifty bolivars.

ART. 264. If merchandise despatched in a foreign port for Veneuela shall not arrive at the port of destination, the consignees of the merchandise shall give a bond for the duties which would be due thereupon, and this shall be collected unless they establish by authentic documents before the respective Custom-House, within six months from the date upon which the merchandise was despatched, that it was

jettisoned, that the vessel which carried it was wrecked or made a foreign port in distress or that the captain was guilty of barratry.

ART. 265. The Federal Executive may bring judicial proceedings for the crime of contraband against importers to whose consignment merchandise arrives more than twice in the course of a year, declared in consular invoices in a tariff class below that to which it belongs and which may have had to be examined in accordance with Article 188. In such case the judicial authority may direct the procuring of the books of the suspected person for the purpose of proving the misdemeanor.

CHAPTER XIV

Of the Files and Vouchers of Imports

ART. 266. There shall be formed two files of the documents relating to each vessel, one of which shall be sent to the Chamber of Examination together with the account of the Custom-House, and shall contain:

1. The Consular correspondence relating to the vessel.

2. The manifest or manifests relative to the corresponding originals in a foreign language, when they have not been presented to the Consul in Spanish.

3. The bills of lading presented by the captain.

4. The list of effects of repair and supply.

5. The vessel's muster-roll.

6. The list of passengers.

7. The petition for unloading.

8. The reports of unloading submitted by the Customs Guard.

9. The report submitted by the Warehousekeeper of packages sent to the stores.

10. The request for the visit of search, when this visit has been made.

11. The original manifest presented by importers together with the respective consular invoices which they must present and the corresponding original invoices in the foreign language which may have been presented to the Consul for translation.

12. The additional manifests of merchandise.

13. The liquidation sheets.

14. The receipts which importers issue upon delivery to them of the liquidation sheets.

15. The statements and copies of consular invoices referred to in Article 162.

16. The general liquidation of the cargo.

17. The orders for exoneration and other communications from the Ministry of Finance relating to the vessel and its cargo.

18. Copies of official communications forwarded to the proper Judge for the required proceedings.

19. The permit for the vessel's departure from the port.

SPECIAL PARAGRAPH. The manifests shall be arranged in their numerical order and following each one the invoice and bill of lading presented by the importer, the liquidation sheet and the receipt relating to it.

ART. 267. The other file shall consist of the manifest or manifests and the invoices received in the closed envelopes and the bills of lading received from the captain, with the notes made on comparison of these documents and in the act of examination of the

merchandise, together with a copy of the general liquidation of the cargo. This file shall remain in the Custom-House for the office archives.

ART. 268. The Chamber of Examination shall make up a file for each vessel with the documents which the Consuls and the Custom-Houses respectively must send it, in conformity with Articles 54, 70, 105, 152, 174 and 218; it shall verify the correctness of these documents and that the proceedings of examination, appraisement and liquidation have been effected in accordance with the provisions of law, preserving said file for comparison of the documents which compose it with the copies of the same which are included in the file of the account of the Custom-House for the corresponding half-year.

TITLE V

Of Exportation

CHAPTER I

Of Exportation through qualified Custom-Houses

ART. 269. In order to take cargo for export the captains of vessels or their agents shall procure a permit from the Collector of Customs upon a written petition which they shall address to him, and which he shall grant at the foot of the petition if there be no legal objection to make.

ART. 270. Shippers shall present to the Custom-House a manifest in duplicate in which shall be stated the class, name and flag of the vessel, the port and nation for which it is bound, the number and description of the packages with their numbers, marks, contents, destination, weight in kilograms and value in bolivars.

SPECIAL PARAGRAPH. The two copies of the manifest must be prepared on sealed paper of the proper value, with the fiscal stamps cancelled on one of the two copies.

ART. 271. The manifests shall be accompanied with a copy of the respective bill of lading.

ART. 272. The manifests shall be numbered in the order in which they are presented. The Collector shall direct in writing at the foot of said manifests that the examination be made and, if it result correct, that embarkation be proceeded with.

ART. 273. On effecting the examination, the examining employe shall note on the manifests the fact of examination, signing the same, and shall return the duplicate to the interested party for delivery to the Chief of the Customs Guard for the purposes of shipment. The employe on duty aboard shall stamp on this manifest the note "*shipped*", with the remarks which may be necessary.

ART. 274. Steamships to which the visit of search is unnecessary, in accordance with Article 141, may commence their operations of loading before completing the unloading, provided that the two operations are not effected simultaneously on the same side of the vessel nor from the same hatch or hold.

ART. 275. The examination of packages for export shall be made by the examining employes, in the proportion which they deem necessary.

ART. 276. If the differences of weight which arise upon the examination exceed by 3% the weight manifested, they shall be penalized with fines of twenty-five to two hundred and fifty bolivars. If articles are found other than those manifested, their shipment shall not be allowed.

ART. 277. In order to facilitate the operations of loading, Collectors of Customs shall permit the presentation of manifests, the examination of cargo and its transfer to the wharf upon arrival of the vessel at the port or during the twenty-four hours preceding its arrival, without special charge, provided that such work is effected during working days and hours.

ART. 278. When the export of a single owner is of a voluminous cargo shipment may be permitted on partial manifests prepared on ordinary paper, observing on each one the legal formalities, and on effecting the total shipment the interested party shall present the documents in due form.

ART. 279. On conclusion of shipment of all cargo the captain shall present to the Custom-House a general manifest of the cargo in duplicate, prepared on sealed paper of the proper value, in which shall be set forth the name, class and nationality of the vessel, marks, numbers, class and contents of the packages, name of the shipper and consignee, port of destination of the packages and weight in kilograms.

ART. 280. On presentation of the manifest and ascertainment by the Custom-House of its agreement with the respective manifests of the shippers, one copy shall be returned to the captain with the following certification: "The Collector of Customs of this port certifies that the articles described in this manifest have been legally despatched".

ART. 281. Collectors of Customs shall permit national vessels to proceed to ports not qualified for export in order to receive cargoes of national products to be exported, provided that they go with permit of the respective Custom-House within whose jurisdiction the place or port lies to which they go to take the cargo. This permit shall be granted on a bond which the captain or his consignee shall give to answer for his proper procedure and for his return to the principal port to effect the despatch in due form. In addition to the bond the license of the vessel shall remain in the Custom-House and it shall carry on board the employes who, in the judgment of the Collector of Customs, may be necessary.

SPECIAL PARAGRAPH. On return of vessels with the cargo received in the non-qualified ports, despatch shall be legally proceeded with in the manner specified for ordinary cargo.

ART. 282. In each Custom-House the Collector shall determine fortnightly the value of exportable products in accordance with current market prices.

ART. 283. The list of values shall be published in the local newspapers if there be such and shall also be affixed at a visible place in the Custom-House. Copies of each shall be sent fortnightly, in a closed envelope, to the Ministry of Finance and the Chamber of Examination.

ART. 284. The Collector of Customs shall consider the observations addressed to him in writing by merchant shippers with respect to the value fixed by the tariff referred to in the foregoing Articles, and if he find them justified he shall make such correction as may be needed.

ART. 285. Custom-Houses shall not receive any manifest if the prices of products shown therein be not in accord with the designated tariff.

ART. 286. In case a vessel cannot transship in a port of the West Indies, the products which it takes from Venezuela, to the vessel which is to carry them to Europe or the United States of North America, by reason of not having been able to make connection with such, it may return the products to the port of origin, provided that the circumstance referred to is confirmed to the Ministry of Finance by certification of the respective Consul of Venezuela and the reports of the Custom-House through which the shipment was made.

ART. 287. With the documents relating to each vessel a file shall be formed which shall consist:

1. Of the petition for loading of the vessel.
2. Of the manifests and their duplicates, presented to the Custom-House by each shipper.
3. Of the bills of lading presented by each shipper.
4. Of the general manifest presented by the captain.
5. Of the list of passengers.
6. Of the permit granted in order that the vessel might sail from the port.

ART. 288. These files, which shall be sent to the Chamber of Examination at the end of each half-year, shall serve as vouchers for the books of export.

CHAPTER II

Of Export through qualified Customs Guard Offices

ART. 289. In Customs Guard offices qualified for export only those vessels shall be despatched with export cargo which present to the respective Customs Guard the document by which a Custom-House authorizes the loading.

SPECIAL PARAGRAPH. Whenever a Custom-House issues a certification for a vessel to take cargo in a qualified Customs Guard office of another jurisdiction it should advise the Collector thereof by telegraph.

ART. 290. For the purposes of the preceding Article the Custom-Houses of the republic shall receive the petitions which captains or agents of vessels present to them and shall issue to the person interested a certification in which it is stated that the vessel is in condition to make use of the privilege to which said Article refers. The Custom-House shall fix in

this certification the time which it deems necessary, under normal conditions, for the vessel to make the voyage to the port of the qualified Customs Guard office.

ART. 291. The certifications referred to in the preceding Article shall be issued by Custom-Houses at the foot of the petitions of the respective captains of vessels or their agents. These petitions shall contain: the name, class and nationality of the vessel, the cargo which it goes to take, the designation of the port in which the cargo shall be taken and the place for which the vessel shall sail after taking the cargo.

ART. 292. The advices which Collectors of Customs must give to those of another jurisdiction concerning the certifications which they issue shall contain: the name, class and nationality of the vessel, the date of sailing and period indicated for arrival at the qualified Customs Guard office where it shall take cargo.

ART. 293. Custom-Houses shall give telegraphic notice to the qualified Customs Guard Offices of their jurisdiction of each certification which they issue, stating the name, class and nationality of the vessel, the date of sailing and period assigned to it to make the voyage to the port of the qualified Customs Guard Office, and likewise they shall give notice of the certifications issued by other Custom-Houses and of which they have received advice as provided in Article 289.

ART. 294. Upon previous authorization by the Ministry of Finance, Collectors of Customs may permit a vessel engaged in coastwise commerce, and which happens to be anchored in a port of a Customs Guard Office qualified for export within its jurisdiction, to obtain the certification mentioned in Articles

290 and 291 without the requirement of proceeding to the port of the Custom-House. In these cases the Custom-Houses shall grant the authorization prescribed in said Articles by telegraph.

ART. 295. Upon the vessel coming to anchor at the qualified Customs Guard station, it should be immediately visited by the official of the Customs Guard, who shall leave on board the watchmen who may be necessary for custody of the vessel.

ART. 296. When the matter relates to vessels engaged exclusively in foreign commerce only those employes of the qualified Customs Guard Office may go on board who have to do so in the discharge of their official duties, and the agents of the vessel. Neither shall any craft, other than those which are engaged in the service of loading, be permitted to approach these vessels, nor may they disembark any effect other than the correspondence which may have been despatched by the Postal Service. In case of discovery of any violation of the kind described, recourse shall be had to the civil authority for the immediate detention of the offender, communicating the case at once to the Collector of Customs of the jurisdiction for prosecution thereof.

ART. 297. The certification described in Article 290 is the only document which the captain of the vessel need present to the official of the Customs Guard in order to proceed with loading. In the case described in Article 294 the corresponding telegraphic permit shall suffice.

ART. 298. The partial manifests of export, the general manifest and the sailing shall be recorded in the manner prescribed by this law, with the modifications which arise by reason of shipments at qualified Customs Guard Offices and not through Custom-Houses.

ART. 299. Transport of the cargo or of a part thereof to the office of the Customs Guard for examination and weighing and its carriage alongside the vessels, shall be done by the respective parties interested under the immediate supervision of the Customs Guard, where no national service of wharfage handling exists.

ART. 300. The examination of the products for export shall be effected by the respective official of the Customs Guard; and the privileges and facilities established by Articles 277 and 278 shall also be accorded at the qualified Customs Guard Offices.

ART. 301. Vessels engaged exclusively in foreign commerce shall not be permitted to conduct any operation before six o'clock in the morning nor after six o'clock in the evening.

ART. 302. The tariff of prices of products and exportable commodities which prevail in qualified Customs Guard Offices shall be those which govern in the Custom-House of the respective jurisdiction. For this purpose Collectors of Customs shall send a copy of said tariff to the Customs Guards fortnightly.

ART. 303. Only the higher officers of vessels engaged exclusively in foreign commerce, and which are taking export cargo from qualified Customs Guard Offices, may go ashore and this only when they have work to do relative to the cargo and on previous permission granted by the respective official.

ART. 304. Officials of Customs Guards shall remit to the Custom-House of their jurisdiction, by the first opportunity, the respective records of export of each vessel, which shall consist of the documents specified in Article 287, substituting for the permit to load the original certification referred to in Article 290 or the permit described in Article 294.

TITLE VI

Of Maritime Transit and Transshipment

ART. 305. The importation, storage and despatch, in national ports, of merchandise coming from a foreign port and destined for another foreign port, shall be subject to the following provisions:

1. Captains of vessels which take merchandise in a foreign port to be disembarked in transit in a national port, shall present to the Consul of Venezuela a manifest in triplicate of the merchandise which they carry; three copies of the legal document with which the merchandise is despatched for the foreign country of destination or of the corresponding commercial invoice, if that be the document required by the countries of destination, and three copies of each bill of lading. In all the documents above enumerated the national port shall be specified in which the merchandise is to be disembarked.

2. If the respective Consular Agent of Venezuela find these documents in due form, he shall distribute them as follows: he shall send one copy of the manifest, one copy of the legal document or commercial invoice with which the packages are despatched and one copy of the bill of lading, in a closed and sealed envelope, by the hand of the captain, to the Collector of Customs of the Venezuelan port where the mer-

chandise is to be disembarked; he shall send to the Chamber of Examination by the first post a copy of the legal document or commercial invoice with which the packages are despatched and one of the manifest; and he shall return the remaining copies of the documents to the captain.

3. The Consular Agent shall place at the foot of each copy of the manifest the following note: "*I certify that three true copies of this manifest have been presented to me and that I have received three copies of each one of the corresponding bills of lading*"; and at the foot of each bill of lading and of each document of despatch of the merchandise or commercial invoice: "*I certify that three copies of this document have been presented to me.*"

ART. 306. The consignees of the merchandise in the Venezuelan port of destination must present to the Custom-House within four working days counted from the day following that of arrival of the vessel, a special manifest in duplicate in which the packages shall be declared, with specification of their marks, numbers, weights, values and contents, to conform with the specifications of the respective document of despatch or commercial invoice. The manifest shall be accompanied by a copy of the corresponding bill of lading and one of the corresponding legal document of despatch or commercial invoice, both certified.

ART. 307. On verification of the weight of the packages in the Custom-House, with checking of their numbers and marks and examination of their contents, when this measure shall be deemed necessary for the safeguarding of the interests of the national administration, the packages shall remain in storage under the charge of the Custom-House.

ART. 308. For reexportation of the merchandise the consignees must present to the Custom-House a manifest in duplicate prepared in like manner to those for export and which shall contain only the packages pertaining to a single manifest of importation. In this manifest shall be stated the date of arrival of the packages, the name and nationality of the vessel and its originating port.

SPECIAL PARAGRAPH. When the quantity of packages is very large and their reissue together is difficult, the Custom-House may permit their despatch in lots. In such case the circumstances must be clearly stated both in the outgoing manifest and in the note placed by the Custom-House thereon.

ART. 309. The original of every manifest shall be kept in the Custom-House to be added to the respective file and the duplicate shall be returned to the consignee for the purposes of Article 312.

ART. 310. The despatch of the packages, from their issuance from the stores of deposit until their reembarkation, shall be done under the immediate supervision of an employe especially designated in each case by the Collector of Customs.

ART. 311. The captains of vessels in which the packages are shipped shall furnish the Custom-House with the corresponding receipt, which shall be added to the file of the vessel.

ART. 312. The consignee must present to the Custom-House, together with the outgoing manifest of the packages, a bond to its satisfaction equal to the value of the merchandise, running for a period of thirty to ninety days, in the judgment of the Collector. Under this bond the consignee is answerable for the presentation, within the period fixed by the Custom-House, of the certification that the merchandise has

arrived at its destination; which certification shall be issued by the Customs office of the port of destination at the foot of the duplicate manifest returned by the Custom-House to the consignee.

ART. 313. The certifications referred to in the preceding Article shall be authenticated by the Consul of Venezuela in the foreign port of destination, and failing such, by a Consul of a friendly nation.

ART. 314. On presentation by the consignee of the certification relative to the arrival of the packages at the port of destination, in conformity with the foregoing provisions, the Custom-House shall return the bond furnished by him, cancelled in due form.

ART. 315. The merchandise treated of in this Title shall be free of all tax; subject only to the payment of the ordinary charges for wharf and wharfage handling and those of warehousing, in accordance with the tariff which the Federal Executive fixes.

ART. 316. Dynamite, powder and other explosive or inflammable substances and articles whose importation is prohibited may not be subjects for maritime transit.

ART. 317. In cases of transshipment of merchandise referred to in this Title the same formalities shall be observed as in the cases of their disembarkation, except as to those provisions which are absolutely inapplicable.

ART. 318. Merchandise treated of in this Title shall not be destined for consumption within the country.

ART. 319. Custom-Houses shall keep in a book prepared for the purpose a special account with each importer of the entrance and outgo of his merchan-

dise in transit, in which shall be copied in full the manifest of introduction and that of issuance.

ART. 320. Violations of the provisions of this Title shall be punished with fines of twenty-five to one thousand bolivars, which the Collector of Customs shall fix.

ART. 321. The Federal Executive shall determine the Custom-Houses through which the merchandise in transit treated of in this Title may be brought in, and it shall dictate the provisions which it deems most convenient for good service of this commerce, in conformity with the interests of the national administration.

TITLE VII

Of Transit by national routes of Merchandise and Products destined for other Countries

ART. 322. Merchandise and other foreign products which require to be transported in transit for other countries, through the territorial jurisdiction of the republic must proceed by the routes fixed by the Federal Executive or established in public treaties, by way of the Custom-House of Maracaibo or Ciudad Bolivar, in conformity with the provisions of this law and the regulations which the Federal Executive dictates.

ART. 323. Saving those special provisions which are applicable to them, the products destined for commerce in transit shall be subject to all the formalities, requirements and penalties which the law establishes with respect to merchandise which is imported from abroad for consumption within Venezuela. The penalties incurred by importations in transit shall be collected within the legal periods and the effects may proceed to destination, excepting those declared confiscated.

ART. 324. Merchandise for commerce in transit must come with manifest and special consular invoice

in which are set forth that circumstance with mention of the port of transit and of the foreign Custom-House of destination.

ART. 325. Merchandise and other products in transit shall remain stored under the immediate jurisdiction of the Custom-House from their arrival until their embarkation.

ART. 326. Merchandise introduced in transit may be declared by the importer for consumption in Venezuela, and both in this case and in those mentioned in Articles 330 and 348 the corresponding duties shall be liquidated and paid with a surcharge of ten per cent.

ART. 327. The merchandise and other products which are transported in transit over national routes, destined for other countries, shall be subject to the taxes which the laws establish.

ART. 328. Products imported in transit shall pay one per cent. per month of their value for warehousing, but the warehouse charge for the first month shall be paid in full, even though the effects remain deposited less than a month.

SPECIAL PARAGRAPH. The Federal Executive may direct that products which arrive in transit may be deposited in stores of the consignees, but always under the supervision and jurisdiction of the Custom-House. In such case the charge for warehousing established by this Article shall not be made.

ART. 329. There shall be carried, in a book entitled "Register of Commerce in Transit", a current account with each importer of the entrance and outgo of his merchandise in transit, in which shall be copied the manifest of importation with its corresponding liquidations, and the manifest of issuance of the mer-

chandise, the Collector of Customs signing the respective entries. This Register shall be carried in two volumes, one used for products coming from abroad and destined for adjoining countries, and the other for the products proceeding from these countries and destined for the exterior.

ART. 330. If after the expiration of thirty days following the examination of an importation in transit all the effects shall not have been sent to their destination, the Custom-House shall notify the importer in order that he may effect the same within the fifteen days following and if, after the lapse of this new period, the despatch shall not yet have been effected, the effects shall be declared for consumption.

ART. 331. Whenever importers, within the time fixed therefor, shall desire to remove effects imported in transit in order to forward them to their destination, they shall present to the Custom-House a manifest in triplicate in which shall be stated: the name, nationality and class of the vessel in which the importation was made, and in which the transport is to be effected; the mark, number, contents and value of each package, in conformity with the manifest of importation; and the weight, tariff class and amount of duties of the packages, in accordance with the liquidation made by the Custom-House.

ART. 332. The Custom-House shall compare this manifest with that of importation entered in the Register of Commerce in Transit, and if it be not in agreement, shall return it to the party interested that he may remake it in accordance with the prior statements. On the presentation in due form the party interested shall give a bond satisfactory to the Custom-House for the amount of the import duties corresponding to the packages which he wishes to withdraw;

which bond shall be cancelled if, within the period fixed by Article 333, he establishes legally that the merchandise has been sent into the country for which it was destined.

SPECIAL PARAGRAPH. For products in transit coming from adjoining countries neither the bond described in this Article nor the documents of proof referred to in Article 340 shall be required.

ART. 333. The period referred to in the preceding Article shall be thirty days for merchandise which is despatched by the Custom-House of Maracaibo and sixty days for that despatched by the Custom-House of Ciudad Bolívar.

ART. 334. The Collector of Custom shall give the permit for embarkation at foot of one of the copies of the manifest and shall send it to the Chief of the Customs Guard for the purposes of shipment, which shall be effected with the precautions which may be necessary to safeguard the interests of the Treasury.

ART. 335. The Chief of the Customs Guard shall make a record of the packages shipped, in the book of discharge, and shall note the fact on the manifest used for the shipment, stating further thereon, after making the record, the folio or folios of the book, after which he shall return the manifest to the Collector of Customs.

ART. 336. After shipment of the effects with the requirements set forth in the foregoing Articles, the captain shall present to the Custom-House a cargo list in duplicate of the cargo which he has received.

ART. 337. The Collector of Customs shall compare the two copies of this cargo list with the manifests, and if found in agreement he shall so note thereon, under his signature, and shall return one of

the two copies to the captain, legalized with the certification and seal of the Custom-House.

ART. 338. The Custom-House shall preserve as a voucher for its accounts the manifest returned by the Chief of the Customs Guard after shipment of the packages, and of the other two copies it shall remit one to the Chamber of Examination with the duplicate of the cargo list by the first post, and it shall return the other to the shipper, legalized with the certification and seal of the Custom-House.

SPECIAL PARAGRAPH. The Custom-House shall send a certified copy of the original of the manifest, in a closed envelope, to the respective Consul of Venezuela.

ART. 339. Both in the certification of the cargo list which is returned to the captain and in that of the manifests which are delivered to the shippers, the quantities must be expressed in letters and in figures and the dates always in letters, and every correction must be noted in legal form above the signatures of the officials who authorize them.

ART. 340. The documents which the interested party must deliver to the Custom-House to prove that the effects in transit have arrived at the foreign Custom-House of destination, shall consist of the manifest returned to the shipper referred to in Article 338 with a certification at the foot thereof authorized by the proper official of the foreign Custom-House of destination in which it is stated that the effects contained in the manifest have been received there; and also an authentic copy of the document which, in accordance with the customs legislation of the respective country, has been prepared in the custom-house for the manifest and legal examination of the effects.

The Consul of Venezuela shall certify that the signatures of the officials who authorize these certifications are authentic and that said officials have the fiscal status with which they have subscribed.

ART. 341. The party interested shall deliver to the Consul of Venezuela two copies of each of the documents described in the preceding Article, who, upon ascertaining them to be in conformity with said documents, shall send one of each to the Chamber of Examination and to the respective Custom-House.

ART. 342. If after expiration of the period indicated in Article 333 the party interested shall not have presented the documents referred to in Article 340 in due form, the Custom-House shall proceed to collect forthwith the bonded duties, with a penalty interest of two per cent. monthly, from the date of examination of the merchandise.

ART. 343. In cases in which the Custom-House has reason to believe from any circumstance that contraband has been committed with merchandise in transit, it shall inform the proper judge of that fact in order that due prosecution may be undertaken.

ART. 344. When from the examination of the documents there appear differences, by diminution in the number of packages or in the weight thereof, or differences in the contents of the same, the parties interested shall pay a fine of double the amount of the duties due to the difference, without prejudice to the penalties established for such case by this law.

ART. 345. As soon as the vouchers referred to in Article 340 are received in the Venezuelan Custom-House, the Collector shall note thereon the date of presentation and shall advise the Chamber of Examination thereof, indicating the differences noted and the penalties which have been imposed.

ART. 346. With the manifest of issuance and a copy of the bond prescribed by Article 322, the entry shall be made up which must be placed in the books of account of the Custom-House, and with the vouchers referred to in Article 340, which should be put in the same books for cancellation of the bond.

ART. 347. The book described in Article 329 shall be sent to the Chamber of Examination at the end of each half-year, together with the other books and documents of the Custom-House, provided that it has closed all its accounts. When any remain open, for the reason that parties interested have not withdrawn all the merchandise noted therein, the Collector of Customs shall so advise the Chamber of Examination and shall leave the book for the time absolutely necessary to close the same in accordance with the law.

ART. 348. When the merchandise which has to be transported by national routes in transit for adjoining countries does not arrive directly from abroad at the Custom-Houses of Maracaibo or Ciudad Bolivar, but at some other qualified Custom-House for transit, it shall be examined and the duties liquidated in such Custom-House, and shall be sent afterwards with permits of coastwise traffic to the Custom-House of Maracaibo or Ciudad Bolivar, in order that it may proceed thence to destination, observing in these cases the following formalities and modifications:

1. The charges for storage and such others as there may be shall be paid in the receiving office of national funds of the port through which the importation has been made.

2. The merchandise shall remain stored in the warehouses of the Custom-House until it is despatched for Maracaibo or Ciudad Bolivar, within the precise

period of thirty days, under penalty of being declared for consumption.

3. This merchandise must be shipped for Maracaibo or Ciudad Bolivar, including all in one single entry, which must be an exact copy of the importation manifest thereof which was presented to the Custom-House, with the respective procedure of examination and the sheet of liquidation of duties.

4. The bond which importers must give in these Custom-Houses, in conformity with Article 332, shall be cancelled if within double the period of time specified in Article 333 the parties in interest present the documents referred to in Article 340.

5. In the Custom-Houses of Maracaibo and Ciudad Bolivar this merchandise which reaches them forwarded by coastwise traffic, shall be examined and they shall note at foot of the manifest the agreement or disagreement which results from the examination, leaving it deposited in their warehouses until it issues for its destination, with the same requirements as those established for that which is imported directly in transit through said ports.

6. In the Custom-Houses of Maracaibo and Ciudad Bolivar the storage charges shall also be collected from the importers of this merchandise, in accordance with Article 328.

TITLE VIII

Importation and Exportation by way of the Frontiers of the Republic

CHAPTER I

Of Importation

ART. 349. Products that are imported at the frontiers of the republic may only be introduced through Custom-Houses especially qualified therefor and by the routes specified for the purpose; and accompanied by a written permit previously obtained by the interested party from the Collector of the national Custom-House through which the products are to be introduced. The formality of obtaining ~~this~~ permit is not obligatory with respect to importations which are made through Custom-Houses qualified for frontier commerce and which may not be immediately at the frontier, provided that the transport from the boundary to the Custom-House is made by water or by railway.

SPECIAL PARAGRAPH. The period which shall be granted for introduction of the effects shall not exceed three times that required to cover the distance between the Custom-House and the point of despatch of the effects.

ART. 350. The despatchers at the country of the frontier must present the invoices relative to the effects to the respective Consular Agent of Venezuela, in the form specified in Title IV.

ART. 351. After examination of the invoices by the Consul and inspection of the permit granted by the respective Collector of Customs, the Consul shall prepare a voucher in duplicate in which the packages are specified with all the data contained in the invoices.

The Consul shall distribute the copies of the Invoices and way bills as follows: he shall deliver to the forwarder one copy of the consular invoice and one copy of the way bill; he shall send one copy of each invoice and one of each way bill to the Custom-House of destination; and he shall remit a copy of each invoice to the Chamber of Examination.

ART. 352. The copies of consular invoices and of way bills addressed to the custom-house of destination, with the other consular documents relating to the cargoes, shall be delivered by the Consul to the carrier of the cargo, in a closed and sealed envelope, and the latter shall retain care of said envelope until its delivery at the custom-house.

ART. 353. With the way bill delivered by the Consul and which the carrier of the cargo shall keep in hand, introduction of the products shall be effected to national territory.

ART. 354. The examination of the products, their despatch and the liquidation of duties in the Custom-Houses of destination shall be done in the manner provided for maritime importation.

ART. 355. Custom-Houses shall prepare a file for each lot imported which shall comprehend:

1. The petition referred to in Article 349 with the proof at the foot thereof of grant of the permit.
2. The certified invoice sent by the Consul.
3. The manifest of the party in interest, with the respective invoice.
4. The way bill which brought the cargo and the duplicate received from the Consul.
5. The sheet of liquidation of duties and the receipt issued by the importer.
6. The consular correspondence and any other document relative to the cargo.

CHAPTER II

Of Exportation

ART. 356. Export for adjoining countries shall be effected with the formalities specified in Title V, provided that transport is done by water; and when it is done by land route only those formalities shall be omitted which are exclusively applicable to vessels.

CHAPTER III

Of the Frontier Fiscal Zone

ART. 357. The Federal Executive shall determine the extent of the zone of fiscal supervision at the frontiers; shall dictate the necessary regulations with respect to Customs Guard service in said zone and those relative to frontier traffic of passengers, vehicles, merchandise, products, animals and other matter.

TITLE IX

Of Parcel Post

ART. 358. Importation and exportation by parcel post shall be done in conformity with postal conventions with the various countries and in accordance with the regulations which the Federal Executive dictates for the purpose.

TITLE X

Coastwise Trade

ART. 359. Coastwise trade shall be done only in national vessels, with the exception of the traffic of passengers and their baggage which may also be done in foreign vessels.

ART. 360. Coastwise and foreign commerce cannot be done simultaneously by the same vessel.

ART. 361. National products shall move as coastwise commerce among all the ports of the republic by complying with the formalities prescribed in this Title.

ART. 362. Custom-Houses qualified for all customs operations may despatch to any port of the republic nationalized foreign merchandise, such as has already paid the import duties.

ART. 363. Custom-Houses qualified only for importation for their own consumption shall only despatch nationalized foreign merchandise for ports of their respective jurisdictions.

ART. 364. Customs Guards and Branch Stations may only give coastwise despatch to nationalized foreign merchandise for ports within the jurisdiction of the Custom-House to which they are attached, and pursuant to special permission which, in every case, the shippers shall apply for to the Collector of the respective Custom-House.

ART. 365. The samples referred to in Chapter XI of Title IV, as also the sample sets which are made in the country to be carried by travelling agents may be despatched coastwise by all Custom-Houses, Customs Guard and Branch Stations.

ART. 366. Nationalized foreign merchandise shall not be despatched to order by coastwise, to find a market.

ART. 367. The examination of nationalized foreign merchandise and of national products moving in coastwise traffic shall be effected both in the port of shipment and in that of destination, in the stores or places of the Customs office, or at the places which the Head of the office may indicate when by their nature they cannot be taken to the former, and pursuant to like formalities to those required for imports or exports through qualified ports.

ART. 368. The captain or agent of any vessel desiring to take cargo for another port of the republic shall make request in writing of the Customs office

for permission so to do, which, in case there be no legal objection, shall be granted at the foot of the petition.

ART. 369. Shippers shall present a signed manifest of that which they propose to transport, written on sealed paper of the proper value, with a duplicate on ordinary paper.

ART. 370. For produce and other national commodities which are shipped to order to market the same, shippers shall present a special manifest thereof, with the formalities prescribed in this Title, stating in place of the name of the person to whom the consignment is sent, the circumstance that it is sent "to order". The manifest of such effects shall be delivered separately, in an open enclosure, to the captain, who must state on his manifest the national products which he carries "to order".

ART. 371. The Chief of the Customs shall state on each manifest the day and hour on which it was presented to him, and the examination shall be conducted with the copy prepared on ordinary paper, and if there be no special employe for the purpose he shall indicate on the manifest itself the employes who must conduct it, stating also that the shipment is allowed if the effects manifested appear in proper form at the examination.

ART. 372. On completion of the examination the examiners shall place at foot of the manifest the note—"Examined and found correct", or the differences which may have appeared so that the proper penalties may be enforced.

ART. 373. After examination of the effects, the manifest shall be sent to the Customs Guard, who shall deliver it to the officials and watchmen on the wharf or quay for shipment of the packages therein

set forth; and the said officials and watchmen shall state on the same manifest with the note "Shipped", signed by them if found in due form, as otherwise they shall not allow the shipment and must immediately advise the Chief of the Customs office.

ART. 374. On completion of the shipment the manifest shall be returned to the Customs Guard, who shall make an entry from it, in the book kept for that purpose, of the class, nationality and name of the vessel and that of its captain, of the number of packages and the weight and value of all of them and of the point for which they are destined or if they are shipped to order. Thereafter he shall return it to the customs office for examination to ascertain whether or not it has been altered, checking it with the original which remained in the office, and if it be found correct the Chief of the customs office shall initial and stamp all the pages of the manifest prepared on stamped paper and at the foot thereof he shall affix a certification stating the number of written lines, the number of packages, the gross weight, total value and conformity with the duplicate retained by the office.

ART. 375. The original certified manifest by which the examination shall be made at the point of destination shall be sent by the Chief of the Customs office, at the hand of the captain of the vessel, in a closed and sealed envelope, to the Custom-House or Customs Guard of destination.

ART. 376. The captain of the vessel shall present to the Customs office a manifest on stamped paper of the proper class, and a duplicate on ordinary paper, which shall set forth all the cargo and a copy of each bill of lading which he has signed. At the end of the manifest and after the captain's signature, he shall state the nationalized foreign effects of his provision

list and the repair parts for sails, rigging and other uses of the vessel.

ART. 377. The Customs office shall check the manifest with the bills of lading and with the manifest of examination, and if found correct it shall make a certification at the foot of the manifest prepared on stamped paper, and without making use of figures or abbreviations, which states the number of written lines, the number of packages and the conformity with the duplicate kept in the Custom-House.

ART. 378. This manifest, so certified, which is the general Custom-House clearing of the cargo, shall be delivered by the Customs office to the captain of the vessel who shall give a written undertaking on ordinary paper to present within a term not exceeding sixty days and which the customs office shall fix with regard to the distance and other circumstances, the evidence which the respective Customs office must give him of having effected his voyage. On compliance with these requirements the vessel shall immediately sail from port. When the vessel sails in ballast the same undertaking should be given.

ART. 379. The Chief of the Customs office of the port of destination of the vessel, or such employe as he may designate for the purpose, at the time of making the visit of entry shall require from the captain, who shall make delivery thereof, the navigation license, manifest, envelopes both open and closed and sealed, the list of passengers and their baggage and the mail.

ART. 380. The Chief of the Customs office, on receipt of the vessel's papers, shall give the evidence referred to in Article 378.

SPECIAL PARAGRAPH. This evidence shall be entered also in a special book which every captain of

a vessel shall carry, in which Customs offices shall note the date of sailing of the vessel, whether it has taken its first cargo in the same port, or the date of its arrival in the port when it makes port from elsewhere with cargo.

ART. 381. On completion of the visit of entry, baggage may be disembarked without the necessity of a written permit, but it must be carried to the Customs office for examination and despatch, prior to any other despatch even upon holidays, and without requiring payment therefor during the morning hours of such days.

ART. 382. Within twenty-four hours after arrival of the vessel the captain or consignee shall request from the Customs office permission to discharge, which permit shall be granted at foot of the petition and shall be sent to the Customs Guard together with the manifest of the cargo for the purposes of discharge; and on effecting this the packages disembarked shall be compared with the manifest noting thereon the necessary remarks.

ART. 383. On completion of the discharge a visit of inspection shall be made at once to the ship to examine whether she is in ballast or if she contains only articles of coastwise traffic legally embarked in other ports and foreign effects pertaining to the list of provisions and repair supplies and rigging of the vessel. The result of this visit shall be noted at the foot of the respective manifest in an entry signed by the employe designated to conduct it.

ART. 384. When a vessel carries cargo for various ports, the Customs offices at ports of call shall make a note on the manifest of the corresponding cargo having been received therein; they shall take these data from the manifest for the record of entry

and shall return the original manifest to the captain on despatch of the vessel for its further purposes. Captains of vessels, in order to shorten the operations, may furnish the extract of manifest referred to in this Article.

ART. 385. The following records shall be made of the entry and departure of vessels engaged in coastwise trade.

Those of entry shall comprise:

1. The petition to unload, with the permit at the foot.
2. The list of passengers and their baggage.
3. The manifest or the corresponding copy thereof.
4. The loading manifests with their respective notes of examination.

Those of departure shall comprise:

1. The petition to load, with the permit at the foot.
2. The manifests presented by shippers, on ordinary paper, with their corresponding annotations.
3. The bills of lading signed by the captain.
4. The manifest presented by the captain, on ordinary paper, with its corresponding annotations.
5. The undertaking by the captain, specified in Article 378.

ART. 386. These records of entry and departure, together with the books and other documents of coastwise traffic, shall be sent by the Customs Guards and Branch Stations to the Custom-House of their respective jurisdiction, in order that the latter may forward them with the accounts of the Custom-House to the Chamber of Examination.

ART. 387. The mail which is received on board shall be delivered to the order of the respective postal official in regular course.

ART. 388. When all the cargo of the vessel is landed the Customs office shall prepare the record of arrival with the cargo list and the manifests, but when only a part of the cargo is disembarked the cargo list shall be returned to the captain with the manifests pertaining to the cargo which he carries, adding to said documents a note of that disembarked and making up the record of arrival with a copy of that required.

ART. 389. When a vessel sails in ballast the captain shall so declare in writing to the Customs office, in order that it may so certify at the foot of the declaration.

ART. 390. In ports where there is no Customs office, the owners of the estates or their managers or the sellers of the commodities shall make up the documents referred to in this Title, said documents being legalized in the first port at which the vessel arrives or in the Customs office at the port of destination.

ART. 391. Vessels which, being despatched for coastwise trade, arrive or touch at the West Indies shall be subject to the corresponding process, for the purposes of section 12 of Article 437, except in the case of arrival by stress duly established.

ART. 392. National steamers engaged in coastwise commerce shall enjoy the privilege of full preference in discharging and loading, like steamers which arrive from abroad; and also of taking the necessary coal while loading or discharging, the Customs office being obliged meanwhile to place aboard of them the supervision which it deems proper for protection of the fiscal interests.

ART. 393. Chiefs of Customs offices may at any time direct the inspection and search of national vessels anchored in the port in order to make certain that only effects legally despatched exist on board.

ART. 394. Passengers who travel between national ports on vessels engaged in foreign commerce must present to the Customs office of the port at which they embark a detailed statement of the new foreign effects which their baggage contains, with their trade names, the principal material of which made and their weight. The effects shall be examined and when found in agreement with the statement, the Customs shall certify such conformity at the foot thereof, returning it to the party interested. The passenger must present this statement at the Customs office of the port of disembarkation, and the new foreign effects which his baggage may contain, and which are not covered by said statement, shall be confiscated.

ART. 395. Violations of coastwise commerce shall be punished as follows:

1. Lack of the license subjects the vessel to detention for the time indispensable for its presentation or for providing itself therewith, in conformity with law.

2. When the captain presents the closed and sealed envelope containing the partial manifests of the cargo, but fails to present the cargo list, he shall incur a fine of fifty to two hundred and fifty bolivars, the cargo list being prepared from the bills of lading.

3. Lack of the closed and sealed envelope, but not of the cargo list, subjects the captain to a fine of fifty to two hundred and fifty bolivars and to detention of the vessel until said envelope is received from the Customs office of the port of departure or a certified copy of the respective manifests in an envelope

likewise sealed, the cargo meanwhile remaining deposited in the Customs stores.

4. When neither the cargo list nor the closed envelope is presented the captain shall pay a fine of five hundred bolivares and the vessel and cargo shall be detained; and the Customs office, which according to the declaration of the parties interested was the port of departure, shall be notified, so that within the time necessary by reason of the distance it may forward the originals or certified copies thereof. If the documents shall come, the cargo shall be despatched according to law; but if the Customs office advises that the vessel was not despatched by it, the case shall be presented to the proper court for the purpose of the corresponding action.

5. When the foreign effects on the list of provisions, and supplies for the sails, rigging and other uses of the vessel do not appear on the cargo list, the captain shall be fined from twenty-five to two hundred and fifty bolivars.

6. If unused foreign effects are found in the baggage they shall be confiscated, unless it appear in a note authorized by the Chief of the respective Customs office that they were embarked in the port of departure.

7. If packages of foreign merchandise are found which do not appear on the cargo list nor on the partial manifests of cargo such packages shall be subject to confiscation.

8. If the packages of foreign merchandise appear on the cargo list, but not on the manifests, or if they appear on the latter but not on the former, they shall be held in the stores and a report shall be requested from the customs office of departure. If from these reports it appear that there was in fact an omis-

sion in the documents of the port of departure, from the shipment of the detained packages being recorded there, the documents shall be despatched correcting the omission in both offices by a note affixed at the foot of the document on which it occurred, which the Chiefs of the respective offices shall sign. If it appear from the reports that the detained packages were not entered, either on the cargo lists or in the manifests of the record of the vessel's sailing, in the Customs office of the port of departure, nor is their legitimate port of origin established, they shall be declared confiscated. The notes and reports which the customs offices address in these cases shall be attached to the respective files.

9. When there results an excess of national products or commodities above those entered on the cargo list, whether in the number of packages or in their weight, the captain shall be fined from ten to one hundred bolivars. If said differences appear also in the partial manifests the fine shall be from five to fifty bolivars.

10. When a less number of packages appears than those declared in the cargo lists and on the manifests, the captain shall pay a fine, if the packages are of foreign merchandise, equal to the duties due upon the packages upon their importation. This penalty shall not be imposed if the captain prove before the proper judge, within three days, that the missing packages were thrown overboard from necessity.

11. When upon examination of a package foreign merchandise appears which is not included in the contents of the package according to the manifests, the merchandise not included in the manifests shall be confiscated, if it be not established that it has been legally brought into the country. When the legal

origin of the merchandise is established the despatcher in the place of origin shall be fined from fifty to five hundred bolivars.

12. When the weight shown upon examination of packages which contain wholly or in part foreign merchandise exceeds by ten per cent. the weight declared in the manifests, a fine shall be imposed equal to the duties due to the excess of weight, computed on the higher class of merchandise contained in the package.

13. When, without justifiable cause, the Customs office fails to receive the evidence specified in Article 378 within the indicated time, the Collector of Customs of the respective jurisdiction shall communicate the fact to the Minister of Finance who shall order the vessel held in order that the due procedure may follow.

14. When upon the manifest of merchandise to be transported in coastwise traffic packages are specified containing articles subject to import duties, and upon examination these are found empty or with articles without commercial value, a fine shall be imposed on the shipper equal to twice the import duties upon the effects as manifested. Fifty per cent. of this fine shall go to the examining employe.

15. In the case in the preceding section, if the package manifested is found with articles of commercial value distinct from those manifested, the shipper shall be fined from ten to fifty bolivars; but if the merchandise contained in the package could be substituted fraudulently for foreign merchandise, to the prejudice of the interests of the Treasury, the package shall be confiscated and for the purpose of the penalties which the shipper incurs the import duties

shall be calculated in the class to which the manifested package belongs.

ART. 396. Collectors of Customs shall impose the fines here established when the acts or omission occur in the port of the Custom-House, and when they occur in any Customs Guard Office or branch Station of their jurisdiction, the Chiefs of those offices shall communicate the fact to the Collector of Customs so that he may direct the proper action for application of the penalty and its collection.

ART. 397. In order to despatch in coastwise traffic sea salt, liquors or any other articles whose distribution is subject to special formalities, there shall be observed in every case, in addition to the general provisions concerning coastwise traffic, those which pertain to said articles by the respective laws or regulations.

TITLE XI

Arrivals by Stress

CHAPTER I

Of Arrival of Vessels coming from abroad

ART. 398. The formalities prescribed by law for the entry of vessels coming from abroad to qualified ports of the republic only cease to be obligatory in the cases of arrival by stress, which are as follows:

1. By damage to the hull, masts and spars, rigging, sails, machinery or other injury which prevents continued navigation of the vessel without serious danger.

2. By non-contagious illness of the greater part of the crew, or by reason of any contagious illness appearing on board, and—

3. By any circumstance of superior force which absolutely prevents the continuance of the voyage.

ART. 399. In any of the cases of arrival by stress of a vessel at a qualified port of the republic the procedure shall be as follows:

1. On completing the visit of entry the hatches and bulkheads of the vessel shall be sealed, a special service of supervision of the vessel shall be established, the disembarkation of passengers and crew shall be prohibited and the captain shall be taken ashore.

2. The captain shall present himself immediately before the Collector of Customs and shall state, on his word of honor, and in full detail the accident which has caused the arrival.

3. He shall deposit the license, the muster rolls, the manifest and other papers of the vessel.

4. He shall request permission to unload and deposit the merchandise in the Custom-House, in case this should be indispensable for the repairs of the vessel; and—

5. The Collector of Customs shall cause the statement of the captain to be taken down according as it is given and it shall be presented to him that he may read and sign it; and retaining him on shore, the Collector shall direct that the Chief of the Customs Guard or other employe of the Custom House proceed immediately on board to receive separately a signed statement from the pilot, quartermaster, crew and passengers in which they shall state: the port of departure of the vessel and that of its destination, the day, the hour, the state of the wind and other circumstances of the weather, and the point where they were when the arrival under stress was decided upon and the causes which led thereto, in full detail.

ART. 400. As soon as he receives the second statement described in the preceding Article, the Collector of Customs shall appoint two experts who, together with the Chief of the Customs Guard, shall conduct an examination of the vessel and shall report in writing if there be damage and, if such be the case, whether it is sufficient to justify the arrival.

ART. 401. If from such examination it be found that the vessel is actually in a damaged condition and in need of repairs, the Collector of Customs shall permit the landing of the passengers and their bag-

gage and shall give permission for unloading, in effecting which, as in the examination of baggage, the provisions established by this law shall be observed.

ART. 402. After completion of the discharge, if any doubt should exist concerning the damage, the experts shall make another examination of the vessel, as minute as may be necessary, to discover if the damage was effected deliberately for the purpose of justifying the arrival, and they shall render their report to the Custom-House.

ART. 403. If upon this minute examination it shall appear that the damage is fictitious and as though done deliberately, or that the damage was not in fact so serious that the vessel could not continue her voyage; or if it be apparent that the arrival should have been made at another place, in view of the circumstances of the weather, class of the vessel and the course which she should follow according to her port of departure and destination, or from the statements of the captain, crew and passengers, the Collector of Customs shall proceed in accordance with the provision of Article 413.

ART. 404. In cases of forced arrival under stress from non-contagious illness of the majority of the crew, or from contagious illness on board or superior force, the Collector of Customs, after compliance with the formalities of Article 399, shall direct: in the first and second cases that the Chief of the Customs Guard, or such employe of the Custom-House as he may designate, and the Health doctor proceed on board to examine the sanitary condition of the vessel, pass the crew in review with the crew-list, and the passengers by the list presented by the captain; and in the third case that the Chief of the Customs Guard or other employe of the Custom-House proceed on board to

make a careful examination of the vessel when the causes to which the arrival is attributed can be observed therein. In all these cases the examiners should render a written report to the Custom-House.

ART. 405. If this report shows the fact of non-contagious illness of the majority of the crew, or the fact of superior force, to be established, the Collector of Customs shall permit the vessel to remain in port until these conditions have disappeared; and the Collector shall grant like permission when the statements of the captain, crew and passengers are in accord respecting the causes of superior force, which, from its very nature, could not be otherwise verified.

SPECIAL PARAGRAPH. In case of contagious illness on board, the instructions of the sanitary authority shall be observed respecting the vessel, but without relaxation of constant supervision by the Custom-House to prevent any fraudulent transaction.

ART. 406. If it appear from the reports referred to in the preceding Article that superior force did not exist, nor is the majority of the crew ill with non-contagious illness, nor has any case of contagious illness presented itself on board; or if by the methods indicated in Article 403 it becomes evident that the arrival was not natural and proper, the Collector shall proceed as laid down in Article 413.

ART. 407. After deposit of the merchandise in the Customs stores by reason of established damage, the captain of the vessel or the Consul of its nation may appropriate for consumption such part of the cargo as may be necessary to provide the funds absolutely indispensable for reparation of the vessel and to cover its other expenses, first presenting the estimate therefor to the Custom-House. Thereupon the captain shall deliver to the Custom-House a manifest

in duplicate stating the marks and numbers of the packages declared for consumption, and the Custom-House shall proceed with the examination, opening and inspecting all packages on the manifest and noting the contents of each on the record which must be made in accordance with Article 174 of this law, which record shall be copied in full at the foot of the manifest. In this case the liquidation shall be made in accordance with the result of the examination.

ART. 408. On conclusion of the repairs of the vessel the Collector of Customs shall direct that the merchandise be reshipped with the requisite precautions to prevent fraud.

ART. 409. A storage charge shall be collected from the captain or his agents at the rate of two centimes of a bolivar for each kilogram of gross weight for the first month that the merchandise remained in the Custom-House, and half of this charge for each of the following months.

ART. 410. When the captain of a vessel arriving under stress, from non-contagious illness of the majority of the crew, or from superior force, one or the other having been established, is absolutely unable to cover the indispensable expenses of the vessel, he may appropriate for importation such part of the cargo as may be necessary therefor, previously presenting the estimate; and in such case he shall request permission from the Custom-House in writing to effect the same, which the Custom-House shall grant, requiring all formalities prescribed by this law to be observed in the discharge. As soon as the merchandise is deposited in the Customs stores the captain or the Consul of his nation shall present a manifest in duplicate, stating the mark and number of every pack-

age, and the examination and liquidation shall be made with the formalities prescribed in Title IV.

ART. 411. There shall be collected from the captain of any vessel which enters a port of the republic under stress, the compensation of the experts at the rate of forty bolivars for each one on each examination and the other expenses which are incurred on account of the vessel.

ART. 412. At the termination of the occasion for the forced arrival under stress, the Collector of Customs shall indicate to the captain a period not exceeding twenty-four hours for the departure of the vessel and on clearing the vessel shall deliver to him the navigation license and other documents of the vessel.

ART. 413. All cases in which the occasion for the forced arrival is not established shall be covered by No. 10 of Article 437 and the vessel, the cargo, the captain and his accomplices shall be subject to the penalties in such case, the Collector of Customs being obliged to transmit all the documentary evidence to the respective judge for the corresponding action.

ART. 414. In cases of forced arrival Collectors of Customs shall observe the following provisions:

1. They shall advise the Ministry of Finance by the first post of the day and hour in which the vessel entered the port, enclosing copies of the statements prescribed in sections 2 and 5 of Article 399 and of the examinations referred to in Articles 400 and 402, giving timely advice to the same Ministry of the progress of the matter and of the proceedings which they dictate in accordance with law.

2. In the cases specified in Articles 407 and 410 they shall send to the Chamber of Examination by the first post a copy of the manifests presented, with

the copy of the proceeding of examination at the foot thereof.

3. They shall place at the foot of the cargo list of the vessel a note of the number of packages which have been taken from the cargo for consumption or importation, with all other circumstances of the proceeding of examination.

4. They shall make up the file of entry of the vessel with all documents relating to the proof of the forced arrival.

ART. 415. When the vessel in forced arrival has to make port at a non-qualified port, the employe in charge of the Customs Guard service at the place of arrival shall immediately visit the vessel, take the written declaration of the captain, crew and passengers with respect to all the circumstances relative to the arrival, establish a rigid service of supervision and give a report of all that has taken place, by the speediest agency, to the Collector of Customs of the jurisdiction, who shall immediately take the proper measures in the case. When there is imminent danger of the loss of the vessel, the Customs Guard may permit the discharge of the cargo and direct its storage with all necessary precautions.

CHAPTER II

Of the arrival of vessels of Coastwise traffic at foreign ports

ART. 416. Only in the case of serious damage to the mast and spars or to the hull, such that a simple ocular examination would fully convince that it could not continue to navigate without danger of shipwreck, may a vessel despatched in coastwise traffic put in by

stress at a port of the West Indies. In such case the proceedings shall be as follows:

The captain shall present himself before the consular agent of Venezuela, shall state under oath and in full detail the accident which has caused the arrival and shall deliver to him the cargo list of the cargo which he carries, the muster roll of the vessel and the closed and sealed envelopes which the Custom-House of the port of departure sends to the Custom-House of the port or ports of destination, and the navigation license, if the laws of the country in which he may be permits the same.

The consular agent shall cause the statement of the captain to be taken down in writing precisely as it is given, and shall present it to him to read and sign; and the consular agent shall immediately proceed on board to make the ocular inspection indicated in this Article.

ART. 417. If upon this ocular inspection it be found that the damage to the hull or mast and spars of the vessel is as serious as is required to justify the forced arrival, the consular agent shall take a statement signed by the pilot, quartermaster and crew of the vessel, and if possible by the passengers, in which is set forth the port of its departure and that of destination, the day, hour and place in which the vessel happened to be, the winds and currents which prevailed when the arrival was determined upon, and the other causes leading up to it, with all details.

ART. 418. After effecting these proceedings the consular agent shall send to the Ministry of Finance and to the Collector of Customs of the port for which the vessel was bound, a copy of the statements referred to and a detailed report of the damage which caused the arrival.

ART. 419. On completion of the repairs of the vessel the Consul shall certify at the foot of the cargo list and on the covers of the closed and sealed envelopes the circumstance of the vessel having made port in justified arrival under stress, and shall return to the captain the papers received from him.

ART. 420. If upon the ocular inspection made by the consular agent it shall appear that, in his judgment, the damage is not as serious as is required to justify the forced arrival, the said agent shall refrain from undertaking any other proceeding, shall return to the captain the papers received from him and shall at once advise the Ministry of Finance and the respective Custom-House of the matter.

ART. 421. Consular agents are authorized to collect from the captains of vessels fifty bolivars for the proceedings in each case of forced arrival, whether justified or not.

ART. 422. The captain of a vessel despatched in coastwise traffic which puts in at a port of the West Indies in forced arrival by virtue of proved damage, in the judgment of the consular agent residing there, in order not to incur the penalty fixed by Article 424, must prove to the Custom-House of the port for which he is bound that, from the place where he was when he suffered the damage and with the winds and currents which then prevailed, no vessel in the condition in which his vessel was could have reached the port for which he was bound, or arrive at any other port of Venezuela.

ART. 423. Vessels despatched in coastwise traffic which put in at ports of the West Indies under stress shall take neither cargo nor passengers there.

The captain of a vessel who violates this prohibition shall pay a fine of one hundred and twenty-

five bolivars for each passenger and an amount equal to the import duties due upon the cargo which he receives.

ART. 424. When the cause of the forced arrival in the West Indies has been established, but the impossibility of having made a port of the republic is not proved at the port of destination, as required by Article 422, the captain shall suffer a fine of five hundred to two thousand five hundred bolivars.

CHAPTER III

Of other Arrivals

ART. 425. Vessels despatched in a national port with foreign destination which, for any of the causes specified in this Title, are obliged to put in to the same port or to another national port, shall be proceeded with as in the case of vessels coming from abroad if they have on board foreign merchandise whose duties have not been paid to the Treasury; and if they contain only national effects or nationalized foreign effects, the occasion for the arrival being fully established in the judgment of the Collector of Customs, the departure of the vessel shall be authorized if the circumstances permit it, the unloading of the effects if the voyage cannot be continued, or the disembarkation of a part of the effects if that should be necessary for continuance of the voyage. In both cases the Collector of Customs shall immediately communicate to the Ministry of Finance and to the Custom-House which despatched the vessel, all that has taken place.

TITLE XII

Of Shipwrecks

ART. 426. When a vessel is wrecked in the rivers or on the coasts of the republic the employe of the customs jurisdiction whose immediate charge is the supervision of the place of the disaster must render promptly the means at his disposal for saving the persons, the vessel and the cargo; he shall advise in the quickest manner the respective Custom-House and shall take the proper measures for safeguarding the fiscal interests, asking assistance from any authority should that be necessary.

ART. 427. Custom-Houses, on being notified of a shipwreck, shall immediately advise the national tribunal of Finance of the jurisdiction since it is these which take cognizance of such cases; without prejudice to adoption of the measures for saving the vessel and cargo and the security of the fiscal interests. In the case of a foreign vessel Consuls have the right of intervention accorded to them by the respective public treaties.

ART. 428. In cases of shipwreck Collectors of Customs must take special care that the interests of the Treasury are not defrauded, and for this purpose they shall direct that the salvaging and storage of the cargo be done under the immediate supervision of the Customs Guard or of employes or persons especially

commissioned by the Custom-House, causing an inventory to be made of the effects salvaged.

ART. 429. When the interested parties desire to reembark the merchandise, effects and other objects which have been the subjects of salvage, whether on the vessel of the shipwreck if it has been possible to equip it, or by any other, they shall request the Collector of Customs therefor, who shall permit it, taking the necessary precautions to safeguard the fiscal interests and retaining a copy of the documents and securities which in his judgment it may be necessary to preserve for further needs. When the shipment is made by another vessel it shall be considered, for all legal purposes, as though it were the same shipwrecked vessel.

ART. 430. When the interested parties desire to declare the merchandise, effects and remnants salvaged, for consumption, they shall petition the Custom-House therefor and after obtaining its permission they shall cause them to be taken to the nearest qualified port, in conformity with the Custom-House instructions. On grant of the permit the examination and despatch of the merchandise shall be promptly undertaken, observing the provisions with respect to importation. If the merchandise were of coastwise commerce the provisions respecting that shall be observed.

TITLE XIII

Clearance of Vessels

ART. 431. No vessel shall sail from the port in which it is at anchor without authorization of the respective customs office, which must be evidenced by a permit in which the time within which the vessel shall sail must be indicated.

ART. 432. Captains of vessels are required to apply for the permit referred to in the preceding Article as soon as they shall have fulfilled all formalities for their clearance for a national or foreign port and are solvent with the respective Customs office. This permit shall be granted provided that the Customs office shall not have been notified in writing by competent authority that legal objection exists to the departure of the vessel. When this notification does not come from the Ministry of Finance, the respective Custom House shall bring it to the knowledge of this Department.

ART. 433. On grant of the permit the Customs office shall deliver to the captain of the vessel or to his agent the corresponding documents and a navigation license in which is stated the permission given to the vessel to navigate, the port for which it is bound and whether the vessel carries cargo or goes in ballast and if it carries passengers.

ART. 434. Respecting vessels which are despatched for national ports, captains shall deliver the navigation license to the Customs office of the port for which they are making the voyage and in the intermediate ports which they touch, the Chief of the Customs office shall certify on said document the day of arrival at the port and the operations which may have been effected.

ART. 435. Chiefs of the Customs Guard in qualified ports and officials and watchmen in those not qualified, in consideration of the sailing permit shall give their orders for the due withdrawal of the employes who may be on guard on board, and shall note on said document the hour on which the vessel sailed from port and shall return it to the Customs office.

ART. 436. On the despatch of vessels coming from abroad which shall have completed their operations in the qualified port and must proceed to conduct operations in another national qualified port, the Collector of Customs shall officially advise the Custom-House thereof for which the vessel is bound, by the hand of the captain, stating the purpose which takes it, if it goes in ballast or with cargo and all notices and reports which he deems expedient for good fiscal service. He shall send a duplicate of this advice to the same Custom-House by the first post.

TITLE XIV

Confiscation

CHAPTER I

Cases of Confiscation

ART. 437. Subject to the penalty of confiscation are:

1. All effects whose importation is prohibited which may be found by Custom-Houses in the process of examination, or at any other point of the territory of the republic in the possession of private persons or enterprises.

2. Foreign effects subject to payment of import duties, which are found hidden in concealed places of vessels, in trunks or in any other kind of package, or hidden in any manner whatsoever, on board of vessels or on land.

3. Foreign effects imported with exemption from import duties by enterprises or persons entitled to this privilege for their exclusive use, and which have been alienated without previous permission of the Federal Executive.

4. Foreign effects found within the zone of fiscal supervision fixed by the Federal Executive pursuant to this law, and whose possessors, on being required therefor by a fiscal authority, do not prove that they have been legally brought into the country.

5. Foreign effects which are found on board of foreign or national vessels in Venezuelan waters, and which are not intended for legitimate commerce with Venezuela or with any other nation.

6. Foreign effects which may have been disembarked or which are about to be disembarked or which may be disembarked in any point of the coasts of the republic without previous permission of the respective Customs authority, although they may have been brought to the Custom-House or Customs office. In these cases the vessel in which the effects may have come from abroad, the boats in which they have been brought ashore and the boats to which they have been transshipped, if such were done, shall also incur the penalty of confiscation.

7. Foreign effects which may be found in any place included within the Customs jurisdiction, if the legitimate origin thereof be not established by the parties interested. The vessel from which they were disembarked or are being disembarked and the vehicles and cattle utilized for carrying on the violation shall also be confiscated.

Exception is made of the case in which such effects are found in any of said places by reason of shipwreck or forced arrival.

8. Foreign effects which are found in the vessel and which, being included in the list of provisions, in that of effects for repair or in that of effects for use of the captain and crew, do not appear adapted to the purpose for which they are said to be designed, and likewise the mess stores which exceed those necessary for consumption of the vessel during a round voyage and one-half the additional time ordinarily required for the voyage.

9. Foreign effects which are carried in coastwise traffic without the cargo lists and manifests which the provisions prescribe concerning this commerce and provided that it be not fully proved that the corresponding import duties thereon have been paid into the national Treasury.

10. Every vessel coming from abroad which shall be found anchored without justifiable cause in places or points not qualified for foreign commerce is subject, with rigging, tackle, fixtures and cargo, to confiscation.

11. Every vessel with its fixtures and rigging, respecting which there is proof that it has landed foreign effects of contraband.

12. Every vessel with its fixtures and rigging, which is proved to have made a voyage from the coasts of the nation to a foreign country without having been legally despatched.

13. Merchandise which, upon examination in the Custom-Houses, proves to be of a higher customs class than that manifested.

14. Foreign effects which may be brought into the national territory at any point of the frontiers of the republic, without the documents required by this law, or not included within the cases in which this law permits the same, or through places and routes not authorized for the purpose. The vehicles and cattle used in effecting the violation shall be liable to confiscation.

15. Effects which shall be declared contraband by the Custom-Houses, administratively, in accordance with the legal provisions in the matter.

16. Foreign effects subject to the payment of import duties, respecting which it is proved that they have been introduced into the country clandestinely.

CHAPTER II

Penalties to Offenders

ART. 438. Offenders are:

1. Those who perform materially any of the acts described in the preceding Article.

2. Those who order, direct or cause to be done for their benefit any of the same acts, even when not effected by themselves directly and materially.

3. Those who secure or cause to be secured, on their own account or by intervention of another, any of the same acts.

ART. 439. In addition to loss of the effects which have been the subject of the declaration of confiscation, and of the vessels and vehicles in the respective cases, offenders shall suffer the following penalties:

1. In the case of No. 1 of Article 437 there shall be imposed on offenders the payment of a fine equal to the import duties corresponding to the effects confiscated, calculated in the highest tariff class of import duties.

2. In the cases specified in Nos. 2, 3, 4, and 5 there shall be levied on offenders the payment of twice the amount of the import duties corresponding to the confiscated effects.

3. In the cases specified in Nos. 6 and 7, there shall be imposed on offenders the payment of twice the amount of the import duties attaching to the confiscated effects; the captain of the vessel and the owners of the effects, if they be discovered, being

jointly responsible for payment of the amount of the penalty; and the person in whose control or in whose residence or place of business the effects are found shall be fined from five hundred to five thousand bolivars, when his participation or complicity in the punishable act is established.

4. In the case described in No. 8, there shall be imposed on the captain payment of the import duties attaching to the effects confiscated.

5. In the case specified in No. 9 there shall be imposed on offenders the payment of twice the amount of import duties attaching to the confiscated effects, and when the offender is the captain he shall be disqualified for the exercise of any post in the national marine.

6. In the case indicated in No. 10 there shall be imposed on the captain of the vessel the payment of twice the amount of the import duties attaching to the confiscated merchandise and he shall also be imprisoned from three to six months and disqualified for the exercise of any position in the national marine.

7. In the case specified in Nos. 11 and 12 the captain shall be fined from one thousand to ten thousand bolivars and shall be disqualified for any position in the national marine.

8. In the case indicated in No. 13 the offenders shall pay the import duties corresponding to the confiscated merchandise and also a fine of twenty-five to two thousand five hundred bolivars, which shall belong to the national Treasury.

9. In the case indicated in No. 14 there shall be imposed on the offenders the payment of twice the amount of the import duties corresponding to the confiscated merchandise.

10. In the case specified in Nos. 15 and 16 there shall be imposed on the offenders the payment of twice the amount of the import duties corresponding to the confiscated merchandise.

ART. 440. Even when they have not become subject to the penalty of confiscation, the vessel and its rigging are subsidiarily responsible for the pecuniary penalties to which the captain has been condemned.

ART. 441. Those who should appear or who are found to be repeating the offence of contraband, whether as authors or as accomplices, shall pay double the amount of the penalties to which they may be sentenced according to the nature of the case. Repetition is determined by sentences duly rendered.

ART. 442. Besides those who may be found to be principal accomplices of the guilt, crime or infraction, there shall be punished:

1. The persons who in any manner have given cooperation or assistance to the smugglers or who may have contributed to defeat the action of justice, giving to the authorities false information or availing themselves of other methods; upon each of such persons a fine shall be imposed of from one hundred to five hundred bolivars.

2. There shall be imposed a fine from two hundred and fifty to one thousand five hundred bolivars upon the persons in whose possession or in whose residence or place of business the packages may have been carried or hidden.

CHAPTER III

Complementary Provisions

ART. 443. When the contraband has been proved and all of the effects pertaining to it have not been recovered, each of the offenders shall pay a fine of two hundred and fifty to ten thousand bolivars. The amount of the fines collected in this case shall be divided between the denouncers and the Treasury.

ART. 444. Effects whose importation is prohibited shall be adjudged to the national Treasury, which shall allow to the capturers and denouncers fifty per cent. of the salable value of said articles.

ART. 445. Confiscated effects belong to the denouncers and capturers and shall be distributed among them in the proportion of one-half to the denouncers and the other half to the capturers.

SPECIAL PARAGRAPH. For the purposes of this Article there shall also be considered as denouncers the consular agents of the republic and private citizens residing in foreign countries, when the contraband is captured as the result of their advices; and Collectors of Customs shall be deemed capturers when the contraband is apprehended in fulfilment of their orders.

ART. 446. Merchandise which, upon examination in the Custom-House, incurs the penalty of confiscation shall be adjudged to the employes on whom devolved the duty of conducting the examination, and shall be equally divided among them.

ART. 447. When the seizure for confiscation shall be made upon the visit of search or at any other act

for which the law requires the presence of the Collectors of Customs, the goods confiscated shall be divided in equal parts between the Collector of Customs for one part and the employes who effected the apprehension of the effects for the other.

ART. 448. When only an amount equal to the import duties on confiscated effects is to be paid, said duties belong to the Treasury; but when more than these duties are paid all the excess shall be divided proportionally among the participants designated by law.

ART. 449. No one may denounce or accuse of contraband or for confiscation merchandise which is still under the jurisdiction of the Custom-House, by reason of the examination not having been finished; but on conclusion thereof, without a declaration of contraband or confiscation made by the Custom-House, it may be denounced and apprehended.

ART. 450. When the offender shall be unknown or shall have died during the proceedings or shall prove to be insolvent the duties appertaining to the Treasury shall be deducted from the value of the confiscation; but when this value does not even amount to double the amount of the duties, the costs shall be deducted therefrom and the surplus divided in half between the Treasury on the one part and the denouncers and capturers on the other.

ART. 451. Every person against whom the Tribunals of Finance shall have instituted actions for contraband three times, in which their culpability as smugglers shall have been proved and shall have been so declared in final judgment, shall be disqualified from engaging in foreign and coastwise commerce and navigation for a term of one to five years,

according to the importance and circumstances of the case.

It devolves upon the Superior Tribunal of Finance to make the declaration which disqualifies the guilty person and to communicate it to the civil authority where he resides, in order that the disqualification of the guilty party may be made effective. The declaration referred to in this Article shall be communicated to the Minister of Finance, so that he may transmit it to the Custom-Houses and Consuls of the republic.

The Ministry of Finance shall open a registry to record the names of the persons or mercantile houses which have been convicted, in conformity with this Article, and shall apply to the Superior Tribunal of Finance for the declaration of disqualification in the cases in which this court shall not have decreed it.

ART. 452. Collectors of Customs shall apply strictly the provisions respecting contraband and confiscation in all matters with which they are concerned and any condescension in favor of the offender in such cases shall be cause for removal of the employe.

ART. 453. Even though the effects of contraband may be brought in eluding the fiscal vigilance, they may be thereafter denounced and pursued legally, and the action of the courts will be expedited for the legal proceedings and to impose the legal penalties upon those who are found culpable.

ART. 454. Employes of the Custom-House and all other persons to whom the law accords rights concerning confiscated effects are prohibited from ceding in any case in favor of the offender, either wholly or in part, the portion which pertains to them, and should they do so the part surrendered shall be adjudged for the benefit of the Treasury.

SPECIAL PARAGRAPH. The employe who may secretly violate the provisions of this Article shall be responsible to the national Treasury for the value of the thing ceded and shall also be removed from the post which he holds, immediately the fact becomes known to the Federal Executive.

ART. 455. In no case may those who apprehend contraband appropriate or distribute it except by virtue of judgment executed in legal form, under penalty of losing to the Treasury that which appertains to them, or of paying to the parties interested the value of the effects and the amount of the damages and injury.

ART. 456. The Courts of Finance, upon beginning any proceeding of contraband, shall immediately communicate it to the Minister of Finance, to the Superior Tribunal of Finance and to the Attorney-General of the nation, stating the name of the denouncer, that of the offender and the nature and weight of the effects subject of the action and the place where the capture was made.

ART. 457. The Tribunals of Finance shall send to the Ministry of Finance under certified enclosure a copy of the sentence or act in virtue of which the proceeding has terminated.

ART. 458. When in accordance with the provisions of this law proceedings for confiscation must be undertaken, including the vessel with its appurtenances, the declaration cannot include the vessel itself except when founded upon acts or omissions of the captain of the vessel or of its owner.

ART. 459. In cases in which the vessel should be included in the declaration for confiscation, if the value of said vessel, its rigging and other appurtenances should exceed ten times the value of the thing

itself which gave rise to the judgment of confiscation, in place of the loss of the vessel a fine shall be imposed in an amount equivalent to said tenfold valuation.

ART. 460. If, during the proceedings of an action for confiscation undertaken for any of the cases herein cited, it should develop that the accused has been involved in any other, the judgment should cover them all, in order to insure the just application of the penalties which are imposed upon offenders by this law.

ART. 461. It is the duty of every citizen to inform the authorities without delay of the violations specified in this Title, either by employes or by private persons, and also to notify the Collectors of Customs when these are not involved.

TITLE XV

Nationalization of Vessels

ART. 462. The nationality of Venezuelan merchant vessels is evidenced by the navigation license granted in conformity with this Title.

ART. 463. National vessels are:

1. Those designed for the service of any branch of the public administration.

2. Those which may have been seized, confiscated or sold in conformity with law, and adjudged to the national government or to any national or nationalized person or company.

3. Those whose ownership attaches to national or nationalized persons of companies.

ART. 464. Vessels under a foreign flag may adopt the Venezuelan flag provided that they comply with the conditions required by section 3 of the preceding Article and the other provisions of this law.

ART. 465. Persons who illegally lend their names in order to obtain the nationalization of a foreign vessel and also all public employes who consciously intervene in any simulated alienation of vessels shall each be fined five hundred bolivars. Captains who avail themselves of nationalization licenses so obtained incur the same penalty.

Employes guilty of the offense specified in this Article shall be discharged from office.

ART. 466. No Venezuelan merchant vessel may use any other than the national flag, nor may it navigate without its navigation license and the muster-roll of the crew and without having been registered in one of the Custom-Houses of the republic.

ART. 467. In order to issue a navigation license to national vessels or those which may be nationalized, the following conditions must be complied with:

1. Licenses shall be delivered to the petitioners upon compliance with the provisions of this Article, by the Collectors of Customs.

2. The owner of the vessel or his attorney shall address the respective Custom-House in writing, requesting that the license be issued to him and declaring under oath that the vessel is included under one of the cases 2 and 3 of Article 463 and that the owner of the vessel is a Venezuelan citizen or a national or nationalized company; and obligating himself to use the flag honorably and to comply with the Venezuelan laws relating to navigation.

3. With the petition must be presented the proof of ownership of the vessel, the guaranty to use the flag honorably and the certificate of the gauge of the vessel, issued as required by this Title.

4. The Chief of the Custom-House shall cause the declaration to be ratified by a record made in his presence and if the documents be found in due form he shall issue a liquidation sheet of the charges for license, at the expense of the petitioner, and upon payment of these charges in the respective office of the Treasury, he shall have a record of the license made in the registry of the Custom-House and deliver it to the party interested.

ART. 468. Licenses shall be signed by the President of the republic and authenticated by the respective Minister and shall include the following data:

1. The name of the owner of the vessel.
2. The name and class of the vessel.
3. Dimensions and tonnage.
4. The name of the captain.
5. The date of issue of the license.

SPECIAL PARAGRAPH. The Federal Executive shall distribute among the Custom-Houses forms of the licenses which must be issued in accordance with the requirements of the service.

ART. 469. The ownership of the vessel shall be established by the following documents:

1. If the vessel has been built within the republic, by a certificate of the builder recorded in the respective registry office, and which states the dimensions of the vessel and the name of the owner.

2. If the vessel has been seized, confiscated or sold, by a certified copy of the record of adjudication.

3. If the vessel is of foreign construction and is to be nationalized in conformity with Article 464, by the document of ownership granted in favor of the petitioner for the license.

Subsequent alienations of vessels are established by the respective instruments of sale.

The document must be recorded in the office of registry of the place where the contract has been made, and if made abroad it must be legalized.

ART. 470. The security for honorable use of the flag which must be presented in accordance with section 3 of Article 467 must be made to the satisfaction of the Custom-House, in an amount not ex-

ceeding half the value of the vessel and which, in no case, shall exceed fifty thousand bolivars. This guaranty shall be issued with all legal formalities and answers for the faults which the captain or owner of the vessel may commit in the course of its navigation, and for the pecuniary penalties which they may incur in that respect.

ART. 471. The certificate of measurement shall state the net tonnage and shall be issued in conformity with the reglamentary provisions which the Federal Executive may dictate concerning the matter.

ART. 472. The following charges shall be made for the issue of navigation licenses to Venezuelan or nationalized vessels:

For vessels up to ten tons, fifteen bolivars.	B 15
For vessels over ten and not exceeding fifty tons, thirty bolivars.	30
For vessels more than fifty tons and not exceeding one hundred tons, seventy-five bolivars	75

For vessels of more than one hundred tons, seventy-five bolivars (B 75) for the first hundred tons and twenty-five centimes of a bolivar (B 0,25) for each ton in excess.

ART. 473. With the petition requesting license, the document of ownership, that of guaranty, that of the certificate of measurement and the other proceedings, a file shall be made which shall remain in the archives of the respective Custom-House.

ART. 474. Upon issuance of the license the vessel shall be registered in one of the Custom-Houses of the republic, in accordance with the provisions dictated by the Federal Executive.

ART. 475. The navigation license shall be valid for four years. At the expiration of that period it

must be returned and renewed; and Collectors of Customs shall not permit the sailing of any vessel whose license has expired. If they fail in complying with this formality, they incur a penalty of three to six months suspension.

ART. 476. The license must also be renewed in the following cases:

1. When the vessel is alienated wholly or in part.

2. When the vessel changes its name.

3. When its class, form or tonnage is changed.

4. In cases of loss of the license.

ART. 477. On termination of the term of a license its renewal should be sought from the Custom-House of the port in which the vessel may be; and the renewal shall be effected on receipt by the Custom-House of the expired license and delivery to the interested party of the new license, without the requirement of any other formality but the payment of the charges, the registry and the revision of the former guaranty, to determine if it still affords sufficient guarantee.

ART. 478. In cases of renewal of a license, as provided by Article 475, the procedure shall be as follows:

1. When the vessel is alienated wholly or in part, a new document of ownership and a new guaranty shall be presented to the Custom-House.

2. When the vessel shall have changed its name a new guaranty must be delivered.

3. When the vessel shall have altered its class, form or tonnage, the license must be renewed, a new guaranty given and a new certificate of measurement presented.

4. In cases of loss of the license it shall be renewed provided that the owner lawfully justifies the loss.

In all these cases, upon issue of the new license the charges shall be collected in accordance with Article 472.

ART. 479. In all cases of renewal of the license, excepting that of loss, the prior license shall be returned to the Custom-House, which shall forward it to the Ministry of Finance.

Licenses shall also be returned in the following cases:

1. When vessels are sold to foreigners. When the sale is not made in the republic the license must be returned to the Custom-House which issued it within the term of three months, under penalty of a fine of five hundred to ten thousand bolivars, which shall be exacted from the captain or owner.

2. In cases of shipwreck, fire or capture, if the license has been saved; and if not, its loss shall be justified.

ART. 480. When there shall be a change in the captain of the vessel, the Custom-House shall be notified so that it may affix to the license the corresponding note; but in order to accede to such request, it must be established that the retiring captain left no obligation in matters relating to his duties.

When the change of captain is made abroad, the Consul should certify to it by a note which he shall place on the license.

ART. 481. There may navigate without navigation license only:

1. Vessels belonging to any service of the national administration.

2. Vessels occupied exclusively in services of the port.

3. Boats which may be accessory to a licensed vessel.

4. Boats of less than five tons engaged exclusively in coastal fishery.

5. Boats of less than three tons which navigate exclusively in waters of the national lakes and rivers.

The boats referred to in paragraphs 2, 4 and 5 of this Article shall navigate with a navigation license issued to them by the Collector of the respective Custom-House, after establishment of the ownership and tonnage, in conformity with Articles 469 and 471.

On obtaining the license said vessels shall be registered in conformity with Article 474.

ART. 482. No vessel shall navigate under the Venezuelan flag unless the captain, officers and one half the rest of the crew are Venezuelans.

The captain must be able to speak, read and write Spanish.

The official who gives despatch to a vessel in violation of the provisions of this Article shall be punished with a fine of one thousand bolivars which shall be imposed by the Inspector of the Custom-House of the jurisdiction.

ART. 483. The net tonnage of a vessel is the maximum weight of cargo and passengers which it can carry, calculated in tons of one thousand kilograms.

For the purposes of this law and of other fiscal laws this tonnage is determined by dividing the capacity in cubic meters of the enclosed spaces of the vessel which can be utilized for cargo and passengers by two hundred and eighty-three centesimals. The determination of this capacity shall be effected in ac-

cordance with the regulation which the Federal Executive may dictate.

ART. 484. Any Venezuelan merchant vessel which is found navigating without a license or without being registered shall be seized and its owner and captain condemned to pay jointly a fine of two hundred to two thousand bolivars which shall be imposed by the Collector of Customs in whose jurisdiction it is found navigating; without prejudice to any other penalty established by the penal code.

ART. 485. There shall be kept in Custom-Houses a register of licenses of navigation issued, in which shall be copied in full in numerical order the licenses which they issue, noting on the margin a summary of the data of the respective license.

On the license shall be noted the fact of having been registered in the Custom-House.

ART. 486. Licenses issued in accordance with the provisions which governed the matter prior to the enactment of this law shall continue to be valid until the date of their expiration or caducity in conformity with this law.

TITLE XVI

Final Provisions

ART. 487. The manifests and petitions which interested parties present to Customs offices shall be drawn up on national stamped paper of the respective class, and when they present press copy duplicates they shall enclose the corresponding cancelled stamped paper. On the original documents the legal fiscal stamps shall be cancelled.

ART. 488. Petitions which are addressed to the Ministry of Finance concerning matters relating to the Customs must refer to only one matter. When the parties interested wish to transmit it by telegraph, the Custom-House, after noting this at the foot, shall retain the original to send to the Ministry of Finance and shall deliver to the interested parties the copy of this document which they have presented, for the purpose of transmission by telegraph. The reports which Custom-Houses must submit should make reference to all the data of the petition, and even when these are set forth in the body thereof they should be stated in the report of the Custom-House. The respective voucher of payment should accompany a petition for refund of sums paid to the Treasury.

ART. 489. Custom-Houses shall keep a record, in a book prepared for the purpose, of petitions presented which the parties in interest address to the

Ministry of Finance, and on receipt of the decision of the Ministry note thereof shall be entered in said book with record of the manner in which it was decided.

ART. 490. The copies of documents and reports which interested parties request for their representations shall be prepared by the employe whom the Collector may designate; and the employe designated for this work shall receive as compensation, to be paid by the party interested, three bolivars for the first folio and two bolivars for those following. Collectors of Customs shall direct the necessary arrangements so that this extraordinary service shall not interfere with the current discharge of the work of the respective employe.

ART. 491. Manifests or petitions which are not perfectly legible shall not be accepted.

ART. 492. Collectors of Customs shall send monthly to the Ministry of Finance a list of the importers who may have manifested merchandise with description and specification in customs classes below those which resulted upon examination, specifying in said report the name of the sender, name of the vessel, date of entrance, declaration of the merchandise, result of the examination, weight, value and duties.

ART. 493. Collectors of Customs shall also send monthly a report of the importers to whom a rebate of duties on account of damage may have been granted, specifying the amount per cent. granted, and other explanatory data; and a report of fines imposed with specification of their cause.

ART. 494. When a vessel coming from abroad is declared unfit to continue navigating, the provisions and effects which are disembarked from it for this reason shall be subject to the corresponding import

duties and shall be liquidated and collected according to law.

ART. 495. Articles for the mess and for repair of sails, rigging and other uses of the vessel which are found on board of vessels coming from abroad according to their respective lists, shall be subject to the resulting duties with a surcharge of twenty per cent., if the vessel do not return abroad from the Venezuelan port to which it was despatched. Twenty-five per cent. of the liquidation of duties effected by the Custom-House belongs to the examining employes.

ART. 496. Foreign articles for the sails, rigging and other matters of the vessel and the foreign food supplies in the mess shall be considered as on deposit aboard and may not be disembarked for consumption.

ART. 497. The ballast of a vessel may be landed or transferred to another vessel upon a petition in writing made to the Collector of Customs in qualified ports, and in Customs Guard Stations and Branches to their official or to a functionary of the Custom-House, permission being granted by said functionaries.

ART. 498. Merchandise and products which have to remain in the stores of the Custom-House, whether because the importers have not satisfied the duties within the legal term, or for any other cause, shall pay storage of one per cent. monthly upon the declared value.

SPECIAL PARAGRAPH. The charge for storage referred to in this Article shall take effect from the day on which the products or merchandise should have been withdrawn from the Customs stores.

ART. 499. Loading and unloading shall be done at the wharves, or in ports where there is no wharf at the points which the Chief of the Customs office shall designate; in such case the Chief of the Customs of-

office shall affix a notice at visible places of the office indicating the designated points. It is absolutely forbidden to conduct these operations at places distinct from those designated and whoever violates this provision shall incur a fine of twenty-five to two hundred and fifty bolivars.

ART. 500. Fifty per cent. of the fines paid to the Treasury by virtue of the provisions of sections 7 and 12 of Article 263 belongs to the examining employes.

ART. 501. Documents which do not comply with all conditions required by this law shall be held not to have been presented.

ART. 502. The periods indicated in this law which end on holidays shall be held as due on the the next working day.

ART. 503. No person not on the ship's roll may pass aboard of a vessel arrived from abroad without written permission from the Custom-House.

ART. 504. The Collector of Customs may grant permission to pass on board of ships upon petition in writing in legal form in which the party interested states the reasons which lead him to request the permission and that he subjects himself to the measures which the Custom-House adopts to safeguard the fiscal interests. If the Collector find the reasons sufficient he shall grant permission at foot of the petition, returning it to the party interested, who shall deliver it to the employe in charge on board. Permission shall be granted also to the agents of vessels who have to go aboard in matters relating to the despatch of the vessel.

ART. 505. Both the Chamber of Examination and Custom-Houses shall bring to the knowledge of the Ministry of Finance, whenever they have evidence

thereof, the errors made by Consuls in the formation and despatch of consular documents and in the fulfilment of the other duties devolving upon them by this law in relation to the said offices.

ART. 506. Informalities which the Chamber of Examination may note, both in the proceedings of Custom-Houses and in the formation of the documents and records which are received from said offices, shall be brought to the attention of the Ministry of Finance, without prejudice to comply with the other provisions of this law with respect to said informalities.

ART. 507. The expression *import duties* employed in this law refers to the tariff duties fixed by the respective law with the addition of the surcharges which the laws establish upon the basis of those duties.

ART. 508. The fines established by this law whose imposition does not pertain to the proper tribunals shall be imposed by the Collectors of Customs, with exception of the following which shall be imposed by the Comptrollers of the Custom-House; the fines indicated by paragraphs 4 and 11 of Article 261; those which are established by paragraphs 2, 3, 5, 6, 7, 8, 9, 10, 11, 12 and 13 of Article 263, and the fine indicated in Article 276.

ART. 509. Violations of this law which are not expressly penalized shall be punished with a fine of twenty-five to one thousand bolivars, which the Ministry of Finance shall fix in each case, in consideration of the act which constituted the violation, duly reported by the office or employe who had knowledge of the violation.

These fines shall be liquidated and collected through the respective Custom-House, in whose accounts the corresponding entries must be made.

ART. 510. Every fine imposed by the Collectors or Comptrollers of Customs may be appealed from to the Minister of Finance; but the amount must be first paid or secured by bond satisfactory to the Collector. This appeal shall be interposed within the term of five working days, by petition duly formalized or substantiated at the foot thereof by the respective Collector.

ART. 511. Neither passengers nor their baggage shall be embarked except upon a permit of the respective Customs office granted at foot of the petition which the party interested presents for the purpose, in which is stated his name without abbreviations, the port of destination and the list of baggage. For passengers who embark in sailing vessels with destination for national ports, the petition may be made on ordinary paper without stamps.

ART. 512. With exception of the Journals, Ledgers and Inventories, whose qualification appertains to the Chamber of Examination, the other books which must be kept by Customs Offices shall be folioed and sealed by the national Judge of Finance of the respective jurisdiction; and on the first folio of each book the said official shall place a note in which is stated the number of folios which the book contains.

ART. 513. In addition to the duties indicated by this law, officials of the Customs service shall fulfill the other duties which the law and regulations may ascribe to them.

ART. 514. The Federal Executive is empowered to rebate or annul the penalties which this law imposes, always reconciling the fiscal interests with the exigencies of justice.

ART. 515. This law shall take effect from the first day of July, nineteen hundred and eighteen.

DONE at the Federal Legislative Palace in Caracas on the tenth day of the month of June, nineteen hundred and eighteen. 109th. year of Independence and 60th. of the Federation.

The President,

(L. S.)

J. DE D. MÉNDEZ Y MENDOZA.

The Vice President,

R. Garmendia R.

The Secretaries,

G. Terrero-Atienza.

N. Pompilio Osuna.

Federal Palace in Caracas, June 20th., 1918. 109th. year of Independence and 60th. of the Federation. Let it be executed and attend to its execution.

(L. S.)

V. MARQUEZ BUSTILLOS.

Authenticated.

The Minister of Finance,

(L. S.)

ROMÁN CÁRDENAS.

DIGEST

OF THE

VENEZUELAN CUSTOMS LAW

IN EFFECT JULY 1, 1918

Article

APPEALS:

Appeal may be taken to Ministry of Finance from appraisal at the invoice figures, when, on examination mdse. is found to be of lower tariff class or of less weight than that stated. 185

Importer desiring to appeal from such appraisal must make declaration to that effect upon the examination. 186

All fines imposed by Customs authorities may be appealed from to the Ministry of Finance, if taken within five business days and bond given for amount of the fine. . 510

APPRAISAL:

Merchandise of several tariff classes contained in a single package will be appraised in the highest class unless the net weight of each class be stated and the total weight of the tare. In the latter case each item will be appraised in its proper class, with a surcharge of 15%. 56, 179

If, upon examination, mdse. be found to weigh more than the invoice figures, it will be appraised at the weight of examination; if less, at the invoiced weight. . 211

BAGGAGE:

Must be disembarked before the cargo and taken at once to the Custom-House for examination. 97

Passengers and their baggage to be despatched with priority, even upon holidays. 98

Baggage includes personal effects actually in use, jewelry worn, bed and equipment, professional implements, books, arms of permitted importation, etc. 99

Unused foreign effects in baggage will be appraised in their respective classes, with 20% surcharge. 100

If duties on such unused effects exceed Bs. 500., passenger will be fined 50% of the amount of liquidation. 101

Passengers from Europe or the United States should notify the Customs authorities of unused effects in their baggage before examination thereof. 102

Passengers from West Indies and the Guianas must prepare a manifest of unused foreign effects for the Customs. 103, 104

Permit to embark required, prepared on sealed paper. 511

BILLS OF LADING:

To be presented by captain to Consul, in duplicate, on taking cargo for Venezuela. 52

To be stamped by Consul, one copy delivered to captain and one sent to Chamber of Examination. 64, 65

To be delivered to Customs, on visit of entry. 87

To be presented to Customs by shipper, on making exports from Venezuela. 271

Fine, on captain's failure to present to Customs. 261 (5)

BONDS:

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To be given for excess of duties on increased appraisal, pending decision of Ministry of Finance.	180
To be given for excess of duties pending appeal to the Ministry from appraisal according to manifest, although examination develops that it should be in a lower class.	186
May be given to withdraw unclassified mdse., pending Ministry's decision as to its tariff class.	187
To withdraw mdse. subject to depreciation or decay, when certified invoice is lacking, consignee shall give bond to cover maximum penalty in case such invoice be not produced.	194
Permanent, may be given by importers to withdraw mdse. before payment of duties; must be executed by two responsible sureties bound jointly with the principal.	200
Permanent, may only cover duties on mdse. of obligor.	203
Permanent, Collector may require a renewal thereof.	205
May be given to withdraw mdse. pending receipt of order for exoneration of duties	242
Samples of value, to be reexported, may be delivered to party interested upon a bond to cover amount of duties. . . .	246
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Abandoned mdse., offered at public sale, may be delivered to owner reclaim-	

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ing, on delivery of bond for duties and costs.	258
Consignee to give bond for duties on mdse. despatched, but not received; bond enforced after six months unless non-receipt of mdse. be justified.	264
National vessel may take export cargo from non-qualified port, on bond of captain or consignee to secure return to regular port of despatch.	281
To be given by consignee, despatching imported mdse. in transit for another country, to insure proper delivery thereof at destination.	312, 332, 333
Security to be given for proper use of the flag by national vessel.	470
 CAPTAINS:	
Must present to Venezuelan Consul in port of despatch manifest of cargo for each Venezuelan port; cargo for each port on separate manifest.	51
Must also present signed bills of lading in duplicate.	52
If sailing in ballast, must make sworn statement thereof.	53
If sailing from West Indies or Guianas must make sworn statement of ship's repair effects and mess supplies. . . .	54
If taking mdse. transshipped from another vessel, must present manifest of origin and sealed enclosures to Consul. .	79
At visit of entry in Venezuelan port, must present to Customs navigation license, certified manifest, sealed enclosures from Consul, bills of lading stamped by Consul, list of ship supplies and mess stocks, crew list and that of crew's and captain's effects, passenger list and mail.	87

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Within one day after visit, must solicit permit to unload.	109
If carrying cargo for other ports, must sail within 48 hours after discharging, unless taking export cargo.	130, 144
When to request visit of search, after discharging.	141
Must obtain permit of Customs to take export cargo.	269
Must present to Customs, when taking export cargo, duplicate manifest on sealed paper.	279
If taking mdse. to be disembarked in a Venezuelan port, in transit for other foreign port, must present documents to Consul in port of origin.	305
On embarking in Venezuelan port mdse. in transit for other country, must present duplicate manifest to Customs.	336
In case of forced arrival at Venezuelan port, should proceed immediately to Customs and make detailed statement.	399
If lacking funds for expenses, on forced arrival, may request permission of Customs to devote part of cargo to importation	410
Of Venezuelan vessel must be a Venezuelan.	482

CASES AND PACKING:

Appraised in the same tariff class as the contents, except they consist of materials specified in the tariff law in a higher class than the contents.	197, 198
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COASTWISE TRAFFIC:

Except as to passengers and their baggage, coastwise traffic may only be done by national vessels.	359
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Qualified Custom-House may issue permits for shipment of duly imported foreign mdse. to other national port. . .	362
Shippers must present to Customs a signed manifest of their consignment, on sealed paper.	369
Passengers voyaging between national ports on foreign vessels must present to Customs at ports of departure and arrival list of new foreign effects in baggage. .	394
 COMMISSION MERCHANTS:	
In order to represent consignees before the Custom-House, must be authorized by power of attorney.	146
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 CONSIGNEES:	
Consignee named on invoice of imported mdse. is the importer thereof and for Customs purposes is deemed owner. . .	145

	Article
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Declining to accept consignment of imported mdse., must notify the Custom-House within the time fixed for presenting manifest thereof.	156
Must give bond for duties, where invoice is received but mdse. not delivered, unless note received from Consul at port of export explaining failure of mdse. to arrive.	163
Consignee in Venezuelan port of mdse. imported in transit for other foreign port must supply detailed manifest to Customs within four days from the day following arrival.	306
In the same case, consignee must give bond for value of mdse., on despatch thereof, to answer for due delivery at foreign port of destination.	312

CONSULS: Venezuelan.

Required to afford information concerning Venezuelan laws, etc., to show necessary forms for preparing shipping documents and give requisite explanations	59
Must number and certify export invoices presented.	60
To refuse to certify invoices unless three exact copies be presented, or if there be any omission or irregularity or misstatement of values or omission to make due oath.	61
May certify and despatch invoices lacking at despatch of vessel, if presented by shippers within three days following.	62
Shall return to captain one copy of manifest and one of each bill of lading;	

to shipper, one copy of his invoice; to captain, in sealed enclosure, for Custom-House at port of destination, one copy of the manifest and one of each invoice; and shall mail to Chamber of Examination third copy of manifest and of each invoice and second of bill of lading. . . . 64

If captain or shipper present documents in foreign language, alleging ignorance of Spanish, shall charge for translation and copy fifteen bolivars up to 30 written lines and 15 centimes per line of excess 71

Consul's business hours are those of local Custom-House. 74

Are responsible to shippers for damages resulting from delay to documents duly presented and in proper form. 75

On forced arrival at foreign port of Venezuelan coastwise vessel, shall take captain's statement in writing and go aboard vessel to inspect damage, etc. . . 416, 417

CONTRABAND:

Importers whose consignments of mdse. are invoiced more than twice in one year in a lower tariff class than that in which examination shows them to belong, may be pursued as contrabanders. 265

Persons found guilty of introducing contraband, in addition to confiscation of effects, etc., suffer fines therefor. . . . 439, 441

DISCHARGE of Cargo:

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May be begun immediately after visit of entry with oral permission of Customs, provided cargo index is prepared. 109

	Article
Steamships have priority over sailing vessel in discharge.	110
Must be effected within time fixed by the Custom-House.	111
Cannot be undertaken until ship's manifest presented.	113
Preference to animals and frail or perishable articles.	114
Not permitted for broken packages, which must be set aside and notice given to Chief of Customs Guard.	117
Cargo for a given port must be wholly discharged therein, in accordance with manifest and bills of lading.	125
When necessary, to effect discharge in time specified, and vessel's crew inadequate, Collector of Customs will supply assistance on due request. . . .	126
Completion of, to be noted on permit by Chief of Customs Guard.	129
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May be conducted simultaneously with loading, by steamers of regular call, provided not done on same side of vessel or from the same hatches or holds. . . .	274

DUTIES—Customs:

Payable, on appeal to Ministry from excessive appraisal.	185, 186
Permanent bond may be given to Customs to cover duties, in order to withdraw mdse. before payment thereof.	200
On petition, Ministry of Finance may cancel duties on mdse. jettisoned or destroyed.	210

The Executive may grant a rebate of 50 centimes per kilogram on import duties of mdse. imported in transit for another national port. 224

Must be paid in lawful money within 24 hours after acceptance of correctness of the liquidation. 226

Interest at rate of 1% per month charged for delay in payment. 233

EXAMINATION—of Merchandise:

Of mdse. covered by a manifest will not be made until the entire lot thereof is deposited in the Custom-House. 171

Collector to give 24 hours notice, by bulletin at the door of the Custom-House, of examination of imports by each ship; this constitutes notice to the importer and examination will proceed, even though he does not attend. 172

Broken or damaged packages or those subject to depreciation by delay will have priority in examination. 173

In lots of packages of like class, a due proportion may be examined, but not less than 5% of the number. 175

Mdse. for export will be examined on a manifest prepared by the shipper. 272

To expedite loading, Collectors will allow presentation of export manifests and examination of mdse. upon arrival of vessel at the port or 24 hours in advance thereof. 277

EXONERABLE EFFECTS:

Ministry of Finance may authorize vessel bringing exonerable cargo for an enterprise entitled thereto, to discharge same at a non-qualified port, under Customs supervision. 131, 133

Exonerable effects must come on a special invoice and be entered with the same formalities required for ordinary imports.	240
Exonerable effects will not be delivered except upon order of the Ministry of Finance or under bond for the duties, duly authorized by the Ministry.	242
Exonerable effects may not be alienated except by special permission of the Executive.	243

EXONERATION OF DUTIES:

Mdse. imported by the government for its purposes.	235
Effects for the use and consumption of Diplomatic officers, provided that Venezuelan diplomats receive like exemption in countries of the former.	235
Effects accorded exemption by the Executive, under authority of law. . . .	235
In this case the importer entitled to the privilege must solicit exoneration through the appropriate Ministry, submitting all Customs documents and a detailed statement of the nature of the effects. .	239

FOOD PRODUCTS, DRUGS, ETC.:

No reduction of duties is allowed on account of damage of whatsoever nature to food products, drugs and alcoholic beverages.	193
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IMPORTERS:

Must present to Custom House, within four working days of vessel's arrival, a duplicate manifest of the import, certified copy of consular invoice and a copy of the bill of lading. The description of

	Article
goods in the manifest must agree exactly with that of the invoice.	147
Manifests may include one or more invoices, provided goods come from the same port, by the same ship and to the same consignee.	148
May surrender mdse. to the Treasury for amount of import duties; this must be done upon the examination or within three days after receipt of the liquidation sheet.	206
Should apply to Custom-House for liquidation sheet of duties, if it be not received within ten days after the examination.	219
If importer fail to return sheet of liquidation of duties to Custom-House within three days after receipt, it is considered as accepted correct.	221

INVOICES:

Exporters of mdse. for Venezuela must deliver to the Venezuelan Consul invoice thereof in triplicate, written in Spanish, signed, and in which is stated under oath: the shipper's name, that of the consignee, the place and date of shipment, the Venezuelan port of destination and the class, nationality and name of the vessel:

The mark and numbering of each package, its class, contents, gross weight in kilograms written in letters and figures, and its value in gold in the port of shipment, stated in money of the respective country.

The number of packages and their weights and values shall be totalled at foot of the respective columns, stated in figures.

The contents of a package must be stated and described in the same terms as those relating to it in the tariff law of import duties; neither ditto marks, "idem" nor abbreviations may be used in the text of the invoice; no blank lines should be left and corrections or interlineations must be noted at the foot, before signing	56
If the kind of mdse. be not included within the tariff law of import duties, the invoice should state that fact and give as clear a description of the mdse. as possible, indicating the material of which it is composed and its nature and use. . .	56
Consuls of Venezuela are under obligation to exhibit forms and give necessary explanations to shippers, to enable them to properly prepare documents.	60
If, by reason of ignorance of Spanish, invoice be presented in another language, Consul shall make a translation and copy of the document, charging the legal fee therefor.	71
In ports where there is no Venezuelan Consul, invoice may be certified by the Consul of a friendly nation, or, failing such, by two merchants, whose signatures shall be authenticated by a public official.	72
When consignee fails to receive certified invoice, a copy may be sought from the Custom-House copy thereof; if that office also be lacking its copy, one may be sought from the copy sent by Consul to the Chamber of Examination; if neither of the three receive the certified invoice, application may be made to the Ministry of Finance for despatch of the mdse., which may be done, with a surcharge of 10% of the duties.	159, 165
A special invoice must be prepared for exonerable effects.	240

MANIFEST—IMPORTER'S:

Within four working days after ship's arrival, importer must present a manifest in duplicate, of his mdse. to the Custom-House; this must agree textually with the description of the mdse. on the invoice, and be accompanied by a copy of the invoice and the bill of lading. 147

Failure to present, within four days after vessel's arrival, importer having received his invoice, involves a fine. 155

On failure to present within the further period of sixty days the mdse. will be treated as abandoned. 155

No correction or alteration whatsoever may be made thereon. 195

Consignee, in a Venezuelan port, of mdse. in transit for a foreign port, must present to the Custom-House within four days of the day following arrival, a manifest in duplicate declaring the packages, with their marks, numbers, weights, values and contents, in conformity with the original shipping papers.

Manifest must be presented on sealed paper and have the proper amount of fiscal stamps attached and cancelled. . . 487

MANIFEST—VESSEL'S:

Captain must present to Venezuelan Consul in each port from which despatched, manifest in triplicate, in Spanish, signed and sworn to by him, and stating:—Class, nationality, tonnage and name of the ship and the captain's name; name of Venezuelan port of destination; names of the shippers and of their consignees in Venezuela; numbers of the bills of lading specified in the manifest; marks, numbering and class of the pack-

ages; quantity, weight and contents of the packages according to the bills of lading; sum total of packages included in the manifest, stated in letters and figures: a separate manifest for each Venezuelan port.	51
One copy, certified by Consul, to be returned to the captain and another copy to be delivered to him in sealed enclosure for transmission to Custom-House at destination.	64
To be delivered to Customs authorities at visit of arrival.	87
If vessel's manifest be lacking and Custom-House fail to receive a copy, captain must prepare one in port on arrival.	93
On taking export cargo in Venezuela, captain must present to Custom-House a manifest of the cargo, in duplicate, on sealed paper, stating name, class and nationality of the vessel; marks, numbers, class and contents of the packages, shippers' and consignees' names; port of destination of the packages and their weight in kilograms.	279

MERCHANDISE:

Must be described, on invoices of shipments for Venezuela, in the identical terms with which it is specified in the tariff law of import duties, or with the customs classification in that law when the mdse. is not expressly specified.	56
If the mdse. is not included within any provision of that law, this must be stated in the invoice and the mdse. clearly described, indicating the materials composing it and its use.	56

Mdse. disembarked in excess of that stated on ship's manifest and not enumerated in invoices will be declared contraband.	135
If mdse. destined for Venezuelan failed to be embarked or was disembarked by error in an intermediate port, a period of 90 days will be allowed for its presentation or a due explanation of the failure so to do.	138
Mdse. will be considered abandonel if, after having received certified invoice thereof, the importer fail, within the term of 64 days following its arrival, to present manifest thereof to the Customs. . . .	155
Imported mdse. refused by consignee and not accepted by any person authorized by him, within 30 days after notice of of the refusal, will be considered abandoned.	156
Mdse. not withdrawn from Customs within 60 days following its examination will be deemed abandoned.	178
Mdse. found on Customs examination to be damaged may be revalued, if the depreciation exceed 10% of its value. .	189, 192
Mdse. of various tariff classes in one package will be appraised in the class of the highest, unless the weight of each kind be separately stated in the invoice and the weight of the tare.	56, 199
Mdse. should be withdrawn from Custom-House within one day after receipt of certificate of release.	229
Mdse. surrendered for duties, or considered abandoned, will be disposed of at public sale.	253
Mdse. imported to Venezuela in transit for a foreign country is exempt from all	

	Article
charges except wharfage handling and warehousing.	315
Mdse. imported in transit for another country may be declared for consumption in Venezuela, paying the duties with 10% of surcharge.	326
 NIGHT WORK:	
Despatch, discharging and loading at night may be allowed upon justifiable request by captain or agent, with security for obedience to laws and regulations. . . .	17
Only permitted to steamships or, in case of <i>force majeure</i> , for discharge to save vessel or cargo.	18
 OVERTIME WORK:	
Vessels needing to work outside of the hours 7 o'clk. a. m. to 4:30 o'clk. p. m., shall compensate Customs employes as follows: Vessels in coastwise commerce, Bs. 30. per hour; vessels in foreign commerce, Bs. 50. per hour; if such work be done before 6 o'clk. a. m. or after 7 o'clk. p. m., double the foregoing rate shall be paid.	20
 PASSENGERS:	
Coming from colonial West Indies or the Guianas must present to Venezuelan Consul therein a manifest in triplicate of the number of packages of his baggage, weight of each package, stated in letters, and the effects subject to payment of duties, specifying these by their commercial names, chief material and weight	57
On arrival, captain to present list of passengers, stating nationality, occupation, class of package, number of packages of baggage of each and port of embarkation.	87

The Customs should be notified of any unused effects in baggage of passengers from the United States or Europe, prior to the examination thereof. 102

Passengers from the West Indies or Guianas having unused effects in their baggage must present to the Custom-House a manifest in duplicate, as required by Article 57, stating the name and weight of each unused article. . . . 103

The restriction limiting coastwise traffic to national vessels does not apply to passengers and their baggage. 359

Passengers traveling between national ports on vessels engaged in foreign commerce must present a statement of all unused foreign effects in their baggage to the Custom-House of port of embarkation 394

Passengers desiring to embark must present to the Customs a petition therefor, on sealed paper with fiscal stamp, stating name, port of destination and list of baggage. 511

SAMPLES:

Ordinary mdse. samples, imported in small pieces or such as manifestly cannot be offered for sale, enter duty-free. . . . 245

When samples consist of articles of commercial value, intended to be re-exported, importer must furnish to the Custom-House with his manifest a statement in triplicate specifying the commercial name and price of sale of each article, the material of which it is made, its dimensions and any other distinctive details to identify it. 246

After examination and appraisal of samples of value, they will be delivered

to the importer upon a bond to cover the duties, interest for the delay and the charges on the cases. 246

Dutiable samples may be re-exported within one year from the date of examination, upon presentation to the Customs of a due manifest and the bond given for the duties; this will be cancelled if the samples are re-exported in entirety. . . 248

Mdse. samples may be imported under consular invoice or in passenger's baggage 250

STEAMSHIPS:

Have priority over sailing vessels in loading and discharging. 110, 392

VESSELS:

Upon entering Venezuelan waters, vessels and their captains become subject to the provisions of this law. 6

The hours for loading and discharging in ports of the republic shall be from seven o'clock a. m. until 4:30 o'clock p. m. uninterruptedly, for all working days. . . . 16

Collectors of Customs may permit the clearance, loading and discharging outside of the foregoing hours and in the night time or on holidays on justified petition by captains or agents; for work at night security must be given to answer for violation of laws or regulations and for damage to merchandise; in the petition the probable number of hours of work required, and the number of packages to be discharged or loaded, must be stated. . 17

Work at night is permitted only to steamships and to other vessels in case of *force majeure*, to save vessel or cargo. . . 18

Every vessel from abroad bound for Venezuela should be provided with navigation

	Article
license and other documents required by this law and be despatched for a port qualified for importation.	50
Only earth, sand, old iron and rough stone allowed as ballast.	55
On admission to pratique, vessels receive the visit of entry by the Customs authorities.	82
Vessels anchoring between 6 a. m. and 5 p. m. will be visited at once by Health officer, and if admitted to pratique may approach the wharves.	83
Vessels which have called at another national port whose sanitary condition is satisfactory may be relieved from the Health officer's visit and approach the wharves.	84
Vessels anchoring outside of office hours (7 to 11 a. m. and 1 to 5 p. m.) will be visited when office hours are resumed.	85
Vessels arriving in the forenoon of holidays will have the Health and Customs visits as on other days, without extra charge therefor.	86
Steamships have priority over sailing vessels in loading and discharging. . . .	110
Customs authorities may at any moment close and seal the hatches, etc., giving access to dutiable merchandise.	128
On completion of discharging, or immediately after visit of entry, if in ballast, or if no cargo is brought for the port but the vessel carries such for other port, the visit of search will be made to determine whether other merchandise or effects remain on board than those duly authorized and reported by the captain, or destined for another port.	141

	Article
Visit of search will be omitted in the case of steamships of regular call, in ports qualified for imports, excepting Maracaibo, Ciudad Bolívar and Cristóbal Colón.	141
Vessel and its equipment responsible for penalties upon the captain.	262
Steamships not requiring visit of search may commence loading before completing discharge, provided both are not done on the same side of ship or from the same hatch or hold.	274
Coastwise commerce may be effected only by national vessels, except only as to passengers and their baggage.	359
Formalities required for entry of foreign vessels to qualified ports are only waived in case of forced arrival (arrival under stress).	398
Forced arrivals signify: damage to hull, masts and spars, rigging, sails, machinery or other damage, making further navigation dangerous; non-contagious illness of the majority of the crew; contagious illness on board; or other circumstance of <i>force majeure</i> which prevents continuing voyage.	398
Vessel despatched in coastwise traffic may only make port under stress, in the West Indies, in case of damage to hull, mast or spars so obviously serious as to involve danger of shipwreck if navigation were continued.	416
Vessels making such port under the conditions specified may not take passengers or cargo therefrom.	423
No vessel may sail from port without authority of the Customs, evidenced by a permit specifying the time within which it should sail.	431

Vessels are subject to confiscation—if, coming from abroad, they are found anchored, without justified cause, at points of the coast not qualified for foreign commerce; if they disembark contraband foreign effects; or if they effect voyage from the coasts of the nation, with foreign destination, without having been legally despatched. 437

Vessel cannot be confiscated except the offence charged involve wrongful acts or omissions of the captain or owner 458

National vessels are: those designed for service of public administration; those which have been captured, confiscated or sold according to law and adjudicated to the government, or to national or nationalized persons or societies; those belonging to national or nationalized persons or societies. 463

Vessels in the last-named class, under foreign flag, may adopt that of Venezuela, complying with the provisions of this law. 464

No Venezuelan merchant vessel may use other than the national flag or navigate without its license and roll of the crew or without having been registered by a Custom-House. 466

To sail under Venezuelan flag, captain, officers and at least half of crew must be Venezuelan. 482

WHARFAGE HANDLING:

The service of Wharfage handling ("Caleta") includes carriage and other operations requisite for the despatch of merchandise and products during the time while they are under Customs jurisdic-

tion; for incoming mdse. or products,
imported or coastwise, this period is from
disembarkation until the effects are put
at disposition of the parties interested;
for exports and outgoing coastwise traf-
fic, from the time of receipt by the
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